

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES

OF THE
STATE OF LOUISIANA

THIRTY-THIRD DAY'S PROCEEDINGS

Twenty-ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
State Capitol
Baton Rouge, Louisiana

Sunday, June 1, 2003

The House of Representatives was called to order at 3:00 P.M., by the Honorable Charlie DeWitt, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. Speaker	Fruge	Odinet
Alario	Futrell	Perkins
Alexander	Gallot	Psychaud
Ansardi	Glover	Pierre
Arnold	Green	Pinac
Baldone	Guillory	Pitre
Baudoin	Hammett	Powell
Baylor	Heaton	Quezaire
Beard	Hebert	Romero
Bowler	Hill	Salter
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hudson	Schwegmann
Capella	Hunter	Shaw
Carter, K	Hutter	Smith, G.—56th
Carter, R	Iles	Smith, J.D.—50th
Cazayoux	Jackson, L	Smith, J.H.—8th
Crane	Jackson, M	Smith, J.R.—30th
Crowe	Johns	Sneed
Curtis	Katz	Stelly
Damico	Kennard	Strain
Daniel	Kenney	Swilling
Dartez	LaFleur	Thompson
Devillier	Lancaster	Toomy
Diez	Landrieu	Townsend
Doerge	LeBlanc	Triche
Downer	Lucas	Tucker
Downs	Martiny	Waddell
Durand	McDonald	Walker
Erdey	McVea	Walsworth

Fannin
Farrar
Fauchoux
Flavin
Frith
Total—104

Montgomery
Morrell
Morrish
Murray
Nevers

Welch
Winston
Wooton
Wright

ABSENT

Richmond
Total—1

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rep. Salter.

Pledge of Allegiance

Rep. Pinac led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Frith, the reading of the Journal was dispensed with.

On motion of Rep. Psychaud, and under a suspension of the rules, the Journal of May 29, 2003, was corrected to reflect her as voting nay on final passage of Senate Bill No. 889.

On motion of Rep. Frith, the Journal of May 29, 2003, was adopted.

Petitions, Memorials and
Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

DISAGREEMENT TO SENATE BILL

May 29, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 577 by Sen. Fontenot, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

May 29, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 203

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Returned without amendments.

House Concurrent Resolution No. 204
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate **ASKING CONCURRENCE IN** **SENATE CONCURRENT RESOLUTIONS**

May 29, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 111

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Curtis, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 111—

BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to overlay the South Traffic Circle in Rapides Parish.

Read by title.

On motion of Rep. Curtis, and under a suspension of the rules, the resolution was concurred in.

Message from the Senate

SENATE BILLS

May 29, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 61, 326, 594, 706, and 840

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Murray, the rules were suspended in order to take up the bills contained in the message at this time.

Senate Bills and Joint Resolutions **on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 61—

BY SENATOR C. JONES

AN ACT

To enact Part III-A of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2326 through 2330, relative to economic development activities; to provide for the creation of the Monroe and Northeast Louisiana Technology and Business Incubation Center; to provide definitions; to provide for qualifications; to provide for grants; and to provide for related matters.

Read by title.

SENATE BILL NO. 326—

BY SENATOR BAJOE

AN ACT

To enact Chapter 14-E of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1445 through 1448, relative to child care workers; to provide a scholarship to child care workers who obtain child care training from programs approved by the Department of Social Services; to require the Department of Social Services to establish the amount of the scholarship to be paid; and to provide for related matters.

Read by title.

SENATE BILL NO. 594—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 30:2154(B)(1)(a) and the introductory paragraph of (b) and to enact R.S. 30:2154(B)(9), relative to environmental quality; to provide for the disposal of sewage or treated waste water; to provide for a definition; to provide for limitations; and to provide for related matters.

Read by title.

SENATE BILL NO. 706—

BY SENATOR IRONS

AN ACT

To enact R.S. 17:406.6, relative to parental involvement in schools; to provide for the establishment of a demonstration program in certain school systems; to provide for the selection of participating schools; to provide for the definition, qualification, selection and duties of an independent parent review board; to provide relative to the evaluation of parental involvement programs; to require a report of findings to the State Board of Elementary and Secondary Education; and to provide for related matters.

Read by title.

SENATE BILL NO. 840—

BY SENATOR JOHNSON

AN ACT

To enact R.S. 9:1123.115.1, relative to condominiums; to provide for the collection of utilities by local governmental entities; to authorize certain sales involving abandoned units; to authorize certain donations of abandoned or blighted property units by municipalities or parishes; and to provide for related matters.

Read by title.

Introduction of Resolutions, House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 206— BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals and the Louisiana Nursing Home Association to work in conjunction to implement a pilot program to study the practicality of installing electronic monitoring devices in nursing home facilities, as defined by R.S. 40:2009.2 and licensed by the Department of Health and Hospitals.

Read by title.

Lies over under the rules.

House and House Concurrent Resolutions

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 202— BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To create the Special Task Force on State Employees' Salaries to evaluate the feasibility of and funding for a pay raise for state employees.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 205— BY REPRESENTATIVE TOOMY

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2004 Regular Session of the Legislature the provisions of LAC 4.III.119(C)(1)(c) requiring that any vendor receiving payment through voluntary payroll deductions for state employees have individual product participation which exceeds one thousand participating employees.

Read by title.

Under the rules, the above resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions lying over were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 108— BY SENATOR HINES

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine.

Read by title.

On motion of Rep. Walker, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 109— BY SENATOR THEUNISSEN AND REPRESENTATIVE THOMPSON **A CONCURRENT RESOLUTION**

To urge and request the Board of Regents to study the need for and feasibility of establishing, within the Louisiana State University System, a resource for agricultural education materials and information to enhance agricultural literacy, awareness, and career exploration in public schools and institutions of postsecondary education.

Read by title.

On motion of Rep. Thompson, and under a suspension of the rules, the resolution was concurred in.

Senate Bills and Joint Resolutions on Second Reading to be Referred

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 867— BY SENATOR SCHEDLER

AN ACT

To amend and reenact Subpart C-2 of Part II of Chapter 4 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1519 through 1519.13, and R.S. 46:6, to enact Chapter 59 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2761, and to repeal R.S. 46:6(B) and (C), relative to the Louisiana State University Health Sciences Center-Health Care Services Division; to provide for definitions; to provide for structure, duties, powers, and responsibilities of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to govern the division; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

House and House Concurrent Resolutions Reported by Committee

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

HOUSE RESOLUTION NO. 1— BY REPRESENTATIVE HUTTER **A RESOLUTION**

To create the District 104 Florida Avenue Bridge Citizen Task Force to monitor progress on the Florida Avenue Bridge, a TIMED project, and to inform local residents regarding such progress; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

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Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Resolution No. 1 by Representative Hutter

AMENDMENT NO. 1

On page 1, line 15, after "Orleans Parish" delete the comma "," and insert "and St. Bernard Parish,"

AMENDMENT NO. 2

On page 2, delete lines 14 through 16 in their entirety and insert the following:

"members as follows: the president of St. Bernard Parish or his designee; the sheriff of St. Bernard Parish or his designee; the fire chief of St. Bernard Parish or his designee; one member appointed by the state senator for Senate District 1 who shall be a resident of House District 104; one member appointed by the state representative for House District 104, who shall be a resident of House District 104.

BE IT FURTHER RESOLVED that any designee shall be a resident of House District 104 and any vacancy shall be filled in the same manner as the original appointment."

On motion of Rep. Broome, the amendments were adopted.

On motion of Rep. Broome, the resolution, as amended, was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 149—

BY REPRESENTATIVE ANSARDI

A CONCURRENT RESOLUTION

To request the Judicial Council of the Supreme Court of Louisiana to study funding sources for the Lengthy Trial Fund created by House Bill No. 2008 of the 2003 Regular Session in the event that this legislation is subsequently passed and enacted into law.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Concurrent Resolution No. 149 by Representative Ansardi

AMENDMENT NO. 1

On page 2, line 21, change "September 30, 2003" to "January 1, 2004"

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the resolution, as amended, was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 157—

BY REPRESENTATIVE ANSARDI

A CONCURRENT RESOLUTION

To request the Judicial Council of the Supreme Court of Louisiana to study the implementation of a one-day, one-trial system for petit juries.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the resolution was ordered engrossed and passed to its third reading.

Senate Concurrent Resolutions Reported by Committee

The following Senate Concurrent Resolutions reported by committee were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 21—

BY SENATOR MICHOT

A CONCURRENT RESOLUTION

To create a special committee to study and develop recommendations for standards and records management technologies for clerks of court's offices.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Engrossed Senate Concurrent Resolution No. 21 by Senator Michot

AMENDMENT NO. 1

On page 5, delete lines 13 through 15 in their entirety

AMENDMENT NO. 2

On page 5, line 16, change "(12)" to "(10)"

AMENDMENT NO. 3

On page 5, between lines 17 and 18, insert the following:

"(11) The clerk of court of East Baton Rouge Parish, or his designee.

(12) A representative of the Police Jury Association of Louisiana.

(13) The clerk of court of St. Helena Parish."

AMENDMENT NO. 4

On page 6, delete lines 1 through 3 in their entirety

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the resolution, as amended, was ordered passed to its third reading.

House Bills and Joint Resolutions on Second Reading Reported by Committee

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 264—
BY REPRESENTATIVES BALDONE AND DOWNER
AN ACT

To enact R.S. 13:1904 (C), (D), and (E), relative to the destruction of certain records in the City Court of Houma; to authorize the clerk of court to destroy certain civil and criminal records; to provide for time limitations in the destructions of records; to provide for requirements prior to destruction; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 264 by Representative Baldone

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 13:1904(C) and (D)" to "R.S. 13:1904(C), (D), and (E)"

AMENDMENT NO. 2

On page 1, line 5, after "records;" and before "and" insert "to provide for requirements prior to destruction;"

AMENDMENT NO. 3

On page 1, line 10, change "R.S. 13:1904(C) and (D)" to "R.S. 13:1904(C), (D), and (E)"

AMENDMENT NO. 4

On page 2, after line 17, insert the following:

"E. The destruction of criminal records authorized by Subsection D of this Section, may only be destroyed after the clerk of court's office has scanned the records onto an optical disc for storage."

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 353—
BY REPRESENTATIVE TOWNSEND
AN ACT

To enact R.S. 11:103(D), relative to the Firefighters' Retirement System of Louisiana; to provide for the determination of the employer contribution rate; to provide with respect to valuation of certain outstanding amortization bases; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 353 by Representative Townsend

AMENDMENT NO. 1

On page 1, delete line 2 and insert "To enact R.S. 11:103(D), relative to the Firefighters"

AMENDMENT NO. 2

On page 1, line 4, after "rate;" delete the remainder of the line and delete line 5 in its entirety and insert "to provide with respect to valuation of certain outstanding amortization bases; to provide"

AMENDMENT NO. 3

On page 1, delete line 11, and insert "Section 1. R.S. 11:103(D) is hereby enacted"

AMENDMENT NO. 4

On page 1, delete lines 15 through 16 and delete page 2 in its entirety and insert:

"D. For the Firefighters' Retirement System of Louisiana, effective with the June 30, 2002, valuation, all outstanding amortization bases in existence on June 30, 2002, exclusive of merger bases shall be combined, offset, and reamortized over the period ending June 30, 2029, with level dollar payments. This Subsection shall not apply to amortization bases established after June 30, 2002."

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 501—
BY REPRESENTATIVE SWILLING
AN ACT

To enact R.S. 33:9076, to create the Lake Barrington Subdivision Improvement District; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to taxes or fees to be levied and collected in the district; to provide relative to district plans; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Broome, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 601—
BY REPRESENTATIVES BOWLER, BRUNEAU, LANCASTER, PITRE, SNEED, AND WALSWORTH
A JOINT RESOLUTION

Proposing an amendment to the Constitution of Louisiana, to amend Article V, Section 16(A) and to add Article XII, Section 15, all relative to administrative law; to authorize the legislature to provide by law for the creation, duties, and powers of a system of administrative law, for the employment, qualifications, and authority of administrative law judges, with respect to appeals by governmental agencies seeking review of administrative decisions, and with respect to jurisdiction of the district courts in administrative agency determinations; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Engrossed House Bill No. 601 by Representative Bowler

AMENDMENT NO. 1

On page 3, line 20, change "legislation creating" to "the legislature to create"

AMENDMENT NO. 2

On page 3, at the beginning of line 22, change "providing" to "to provide"

AMENDMENT NO. 3

On page 3, line 23, change "providing" to "to provide"

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered reengrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 638—

BY REPRESENTATIVE PERKINS

A JOINT RESOLUTION

Proposing to amend Article IV, Sections 3(A), 11, and 20 of the Constitution of Louisiana, to provide relative to the appointment of the commissioner of insurance; to provide for the appointment of the commissioner of insurance by the governor; to remove provisions for the election of the commissioner of insurance; to remove specific provisions for the legislature to provide by law for the appointment, in lieu of election, of the commissioner of insurance; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported without amendments by the Committee on Civil Law and Procedure.

On motion of Rep. Johns, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 753—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:1141(C) and to enact R.S. 11:1007, relative to the Louisiana School Employees' Retirement System; to provide for full-time employment of retirees and the benefits payable thereto; to provide for the suspension of benefits of such reemployed retirees; to provide for contributions and employer reporting requirements; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

On motion of Rep. Schneider, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1034—

BY REPRESENTATIVE LUCAS

AN ACT

To enact R.S. 33:9033.4, to create the Ninth Ward Tax Increment Financing District; to provide for the powers and duties of the district, including the power to engage in tax increment financing; to provide for the governance of the district; to provide for the boundaries of the district; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 1034 by Representative Lucas

AMENDMENT NO. 1

On page 1, delete lines 2 through 8 in their entirety and insert the following:

"To enact R.S. 33:9033.4, to create the Ninth Ward Tax Increment Financing District; to provide for the powers and duties of the district, including the power to engage in tax increment financing; to provide for the governance of the district; to provide for the boundaries of the district; and to provide for related matters."

AMENDMENT NO. 2

On page 1, line 13, change "R.S. 33:2740.55" to "R.S. 33:9033.4"

AMENDMENT NO. 3

On page 1, delete line 14, and insert the following:

"\$9033.4. Ninth Ward Tax Increment Financing District"

AMENDMENT NO. 4

On page 1, line 15, after "(1) The" delete the remainder of the line and on line 16, delete "Development" and insert "Ninth Ward Tax Increment Financing"

AMENDMENT NO. 5

On page 2, delete lines 6 through 9 in their entirety and insert "of the 2001 Second Extraordinary Session."

AMENDMENT NO. 6

On page 4, delete lines 11 through 25 in their entirety and delete pages 5 through 12 in their entirety and insert in lieu thereof:

"D. Revenue bonds. The district may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of sales tax increments annually to be used as a guaranty of any shortfall, or at the option of the district, payable solely from an irrevocable pledge and

dedication of up to the full amount of sales tax increments, in an amount to be determined by the district, to finance or refinance all or any part of an economic development project as specified in Subsection P of this Section. For purposes of this Section, a sales tax increment shall consist of that portion of the designated sales tax, hereinafter defined, collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law as amended, from taxpayers located within an economic development area which exceeds the sales tax revenues of the designated sales tax that were collected in the year immediately prior to the year in which the area was designated as an economic development area. Dedication of sales tax increments to pay the revenue bonds shall not impair existing obligations and shall not include tax revenues previously dedicated for a special purpose, nor revenues of any sales taxes collected by the state of Louisiana or any political subdivision other than the district.

E. Economic development area. At such time as the district proposes to issue revenue bonds pursuant to this Section, it shall designate the boundaries of the economic development area, hereinafter called the "sales tax area", from which sales tax increments are to be pledged and dedicated to the payment of the revenue bonds. Prior to designating the boundaries of the sales tax area, a notice describing the boundaries of the proposed sales tax area or containing a map showing the boundaries thereof shall be published two times in the official journal of the city of New Orleans.

F. Sales tax dedication. After the designation of the boundaries of the sales tax area, the district shall designate the local sales taxes which are to be used in determining the sales tax increments and the initial annual baseline collection rate for the sales tax area, which shall be the amount of such designated sales taxes collected in the sales tax area in the fiscal year of the district most recently completed prior to the establishment of the sales tax area. In addition, a monthly baseline collection rate shall be determined by dividing the initial annual baseline collection rate by twelve. The initial annual baseline collection rate and the monthly baseline collection rate shall be certified by the chief financial officer or equivalent of the district. The certification shall also be published one time in the official journal of the city of New Orleans. If the amounts of the initial annual baseline collection rate and the monthly baseline collection rate are not contested within thirty days after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the initial annual baseline collection rate or the monthly baseline collection rate.

G. Pledged sales taxes. The increment of the designated sales taxes which are to be pledged and dedicated to the payment of the revenue bonds shall be the amount of the designated sales taxes which are collected in the sales tax area each year in excess of the initial annual baseline collection rate. Such pledged sales tax increment may include all or any portion of the said excess, as may be determined by the district issuing the revenue bonds.

H. Payment. All sales tax increment revenue bonds issued hereunder shall be payable semiannually as to interest and annually as to principal and may be issued in series from time to time on a parity with any other revenue bonds issued by the district and payable from the same pledged sales tax increment. Upon the issuance of the revenue bonds, the district shall establish a sinking fund to be used to accumulate monies for the payment of principal and interest on the revenue bonds and a debt service reserve fund in such amount as may be deemed necessary by the district to allow the revenue bonds to be marketed at reasonable interest rates. The sinking fund and reserve fund shall be established and maintained for as long as the revenue bonds are outstanding with a bank or trust company located in the state, pursuant to a written trust agreement between the district and the bank or trust company.

I. Maturity. The maturities of the revenue bonds shall be arranged in such a manner that the total amount of principal and interest falling due in any calendar year shall never exceed seventy-five percent of the amount of the pledged sales tax increment estimated by the governing authority of the district to be received in the first full calendar year after the economic development project has been completed.

J. Notice. Upon the issuance of revenue bonds payable from or backed by the pledged sales tax increment, the district shall provide notice thereof to the collector of any local sales taxes included in the designated sales taxes and shall provide the collector with a schedule showing the annual debt service requirements on the revenue bonds and a schedule showing the monthly sinking fund payment for each month during which the revenue bonds are to be outstanding. The monthly sinking fund payment for each month shall be an amount equal to one-sixth of the interest payable on the revenue bonds on the next succeeding interest payment date and one-twelfth of the principal of the revenue bonds maturing on the next succeeding principal payment date, together with any adjustments to the account for a period before the interest payment which is not equal to six months or a period before the first principal payment which is not equal to twelve months.

K. Collector. Not later than the twentieth day of each calendar month, the collector of any local sales taxes included in the designated sales taxes shall determine the amount of the revenues of the designated sales taxes in the sales tax area collected during the preceding calendar month in excess of the monthly baseline collection rate, and the portion of such excess that constitutes the pledged sales tax increment, and shall transfer a ratable amount equal to the lesser of the monthly sinking fund payment or the pledged sales tax increment to the sinking fund. In the event that the pledged sales tax increment for any month is less than the monthly sinking fund payment for such month, then any shortfall shall be made up in subsequent months to the extent that incremental revenues are available for that purpose. After each annual principal payment, the district shall use excess monies in the sinking fund, if any, as a credit against monthly sinking fund deposits in the next year or to prepay or purchase or for the defeasance of outstanding bonds.

L. Shortfalls. Notwithstanding any other provisions of this Chapter, in the event the district pledges sales tax increments to be used as a guaranty of any shortfall existing from any other revenues pledged to secure revenue bonds issued under authority of this Section, such sales tax increments shall be deposited, not into a sinking fund, but into a debt service reserve fund, on the same basis and with the same frequency described in Subsections F and G of this Section only until amounts in the debt service reserve fund equal three years of the average principal and interest due on the bonds for the term of the bonds. After funding the debt service reserve fund to the level stated, and for so long as the debt service reserve fund remains funded at that level, the collector of local sales taxes shall treat any sales tax increments collected in the same manner as any other sales tax collected. If the debt service reserve fund has fallen below the stated amount, the collector shall, to the extent possible, transfer sales tax increments collected to the debt service reserve fund, in order to maintain such fund at the appropriate level. After payment in full of any bonds secured by a pledge of sales tax increments to be used to guaranty any shortfall existing from any other revenues pledged to secure bonds, any amounts remaining in the debt service reserve fund shall be transferred to the district and be deposited in a special fund to be created and used to promote other economic development opportunities.

M. Additional powers. The powers and rights conferred by this Section shall be in addition to the powers and rights conferred by any other general or special law. This Section, and any provisions of this Chapter not inconsistent therewith, does and shall be construed to provide a complete and additional method for the issuance of revenue bonds secured by a pledge of sales tax increments. No election, proceeding, notice, or approval shall be required for the issuance of any revenue bonds secured by a pledge of sales tax increments except as

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provided herein. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

N. District powers. The district may propose to carry out the purposes of this Chapter without the necessity of creating and organizing an economic development corporation and shall have all of the powers, rights, duties, and obligations of such a corporation under this Chapter and may do any act or take any action which such a corporation is authorized to do under this Chapter. However, the requirements of R.S. 33:9023 through 9026 shall not be deemed to apply.

O. Publication. A copy of the instrument authorizing the issuance of bonds hereunder shall be published immediately after its adoption in one issue of the official journal of the city of New Orleans. For thirty days after the date of publication, any person in interest may contest the legality of such document, any provision of the bonds, the provisions therein made for the security and payment of the bonds, and validity of all other provisions and proceedings relating to the authorization and issuance of the bonds. After the expiration of such period, no person may contest the regularity, formality, legality, or effectiveness of the document, any provisions of the bonds to be issued pursuant thereto, the provisions for the security and payment of the bonds, and the validity of all other provisions and proceedings relating to their authorization and issuance, for any cause whatever. Thereafter, it shall be conclusively presumed that the bonds, the legal documents providing for the bonds, and all security for the bonds is legal and that every legal requirement for the issuance of the bonds has been complied with. No court shall have authority to inquire into any of these matters after the aforementioned publication period.

P. Economic development projects. For the purposes of this Section, the term "economic development project" shall mean and include, without limitation, any and all projects suitable to any industry determined by the district or, as appropriate, the issuers of revenue bonds, to create economic development. Economic development projects shall include, without limitation, the following industries:

- (1) Industrial, manufacturing, and other related industries.
- (2) Housing and related industries.
- (3) Hotel, motel, and related industries.
- (4) Commercial, retail, and related industries.
- (5) Amusement, places of entertainment, theme parks, and any other tourism-related industry.
- (6) Transportation-related industries.
- (7) Hospital, medical, health, nursery care, nursing care, clinical, ambulance, laboratory, and related industries.
- (8) Any other industry determined by the district or issuer of revenue bonds, as appropriate, whose assistance will result in economic development.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Rep. Broome, the amendments were adopted.

On motion of Rep. Broome, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1083—

BY REPRESENTATIVE POWELL

AN ACT

To enact Part VII-C of Chapter 1 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:336.1, to create the Hammond Economic Development Authority; to provide relative to the purpose, powers, functions, and duties of the authority; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Municipal, Parochial and Cultural Affairs.

The substitute was read by title as follows:

HOUSE BILL NO. 2030 (Substitute for House Bill No. 1083 by Representative Powell)—

BY REPRESENTATIVE POWELL

AN ACT

To enact Subpart B-33 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.611 through 130.619, to create the Hammond Area Economic and Industrial Development District; to provide relative to the boundaries and purposes of the district; to provide relative to the governing authority of the district and its powers and duties; to provide relative to taxes to be levied and collected in the district; to provide relative to the issuance of bonds; and to provide for related matters.

Read by title.

On motion of Rep. Broome, the substitute was adopted and became House Bill No. 2030 by Rep. Powell, on behalf of the Committee on Municipal, Parochial and Cultural Affairs, as a substitute for House Bill No. 1083 by Rep. Powell.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 1087—

BY REPRESENTATIVE HUNTER

AN ACT

To enact R.S. 33:2711.19, relative to municipal sales and use taxes; to authorize the governing authority of the city of Monroe to levy and collect an additional sales and use tax; to provide for voter approval; to provide for a termination date of such authority; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 1087 by Representative Hunter

AMENDMENT NO. 1

On page 1, line 15, after "excess of" delete the remainder of the line and insert in lieu thereof "three-eighths of"

AMENDMENT NO. 2

On page 3, at the end of line 4, after "aggregate" delete the remainder of the line and on line 5, delete "benefits, equipment, and personnel" and insert "amount of the expenses"

AMENDMENT NO. 3

On page 3, line 8, after "exceed" and before "of one percent," change "one-quarter" to "three-eighths"

AMENDMENT NO. 4

On page 3, delete lines 9 and 10 in their entirety and insert in lieu thereof "to fund the estimated amount of such expenses."

AMENDMENT NO. 5

On page 3, delete lines 18 and 19 in their entirety and insert in lieu thereof:

"E.(1) The proceeds of the tax shall be used to provide for the expenses associated with the operation of the fire department, the police department, and the department of public works of the city of Monroe."

On motion of Rep. Broome, the amendments were adopted.

On motion of Rep. Broome, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1123—

BY REPRESENTATIVE HOPKINS

AN ACT

To enact R.S. 15:705.1, to authorize the governing authority or sheriff of Caddo Parish to charge prisoners in the parish jail or in the custody of the sheriff for the expenses of incarceration; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1188—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:62, relative to state and statewide retirement systems; to provide with respect to employee contribution rates; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 1188 by Representative Schneider

AMENDMENT NO. 1

On page 1, at the end of line 3, delete "to" and delete line 4 in its entirety and insert in lieu thereof "and to"

AMENDMENT NO. 2

On page 1, line 15, change "salary" to "compensation as defined by the appropriate system"

AMENDMENT NO. 3

On page 2, line 10, after "others" delete the comma "," and delete the remainder of the line and at the beginning of line 11 delete "R.S. 11:601(B)"

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1404—

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 33:2738.84, relative to local sales and use taxes; to authorize certain parishes and municipalities to levy and collect an additional sales and use tax; to provide for the use of the proceeds derived from such tax; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Broome, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1565—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 33:461(A)(1), relative to the assessment and collection of municipal taxes; to provide that the city of Lake Charles may prorate municipal ad valorem taxes on property annexed into the city; to provide a basis upon which the taxes shall be prorated; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Broome, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1588—

BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 36:769(D)(7) and to enact Chapter 5 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:351 through 391.52, to create the Louisiana Board of Pension Administration and the Public Employees' Retirement System of Louisiana; to provide with respect to membership, creditable service, benefits, administration, management and expenditure of funds, and methods of funding and financing; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Retirement.

The substitute was read by title as follows:

HOUSE BILL NO. 2031 (Substitute for House Bill No. 1588 by Representative Daniel)—
BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:62(5) (introductory paragraph) and (b) and 511, to enact Chapter 5 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:351 through 355, and to repeal R.S. 11:62(3), 242(B)(11), 246(A)(9), and Chapter 9 of Subtitle III of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:2251 through 2270; to create the Louisiana Board of Pension Administration and the Public Employees' Retirement Fund of Louisiana; to provide with respect to membership, creditable service, benefits, administration, management and expenditure of funds, and methods of funding and financing; and to provide for related matters.

Read by title.

On motion of Rep. Schneider, the substitute was adopted and became House Bill No. 2031 by Rep. Daniel, on behalf of the Committee on Retirement, as a substitute for House Bill No. 1588 by Rep. Daniel.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 1593—
BY REPRESENTATIVE FLAVIN

AN ACT

To enact R.S. 33:120.14, relative to Calcasieu Parish planning and zoning; to provide with respect to the creation of a metropolitan planning commission; to provide with respect to establishing boundaries; to provide for powers and functions; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Municipal, Parochial and Cultural Affairs.

The substitute was read by title as follows:

HOUSE BILL NO. 2032 (Substitute for House Bill No. 1593 by Representative Flavin)—
BY REPRESENTATIVE FLAVIN

AN ACT

To enact Subpart M of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:140.201 through 140.207, relative to physical development of parishes and municipalities; to provide with respect to the creation of a metropolitan planning commission in the parish of Calcasieu; to provide for the creation, organization, powers, and duties of a metropolitan planning commission; to provide with respect to the regulation of the subdivision and zoning of land in the metropolitan planning area; to provide for the adoption of ordinances prescribing minimum construction, health, and sanitation standards; to provide for joint or correlated action by the governing authority of any municipality within the parish and the police jury of Calcasieu Parish in the adoption of ordinances or other measures; and to provide for related matters.

Read by title.

On motion of Rep. Broome, the substitute was adopted and became House Bill No. 2032 by Rep. Flavin, on behalf of the

Committee on Municipal, Parochial and Cultural Affairs, as a substitute for House Bill No. 1593 by Rep. Flavin.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 1642—
BY REPRESENTATIVE GUILLORY

AN ACT

To enact R.S. 23:897(M), relative to employment; to provide that an employer may withhold employee's wages to cover cost of medical and drug testing under certain circumstances; to provide that the employee must sign a contract for such withholding; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Labor and Industrial Relations.

On motion of Rep. Guillory, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1656—
BY REPRESENTATIVE STRAIN

AN ACT

To amend and reenact R.S. 23:1121(B), relative to workers' compensation; to provide for the selection of a treating physician; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Labor and Industrial Relations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Bill No. 1656 by Representative Strain

AMENDMENT NO. 1

On page 2, line 3, after "(2)", insert "(a)" and delete "consults with or"

AMENDMENT NO. 2

On page 2, line 5, before "When" insert "(b)"

AMENDMENT NO. 3

On page 2, line 7, change "will" to "may"

AMENDMENT NO. 4

On page 2, line 8, after "employee" delete the remainder of the line and insert in lieu thereof the following:

"has received written notice of his right to select one treating physician in any field or specialty, and then chooses to select the employer's referral as his treating specialist after the initial medical examination as signified by his signature on a choice of physician form. The notice required by this Subparagraph shall be on a choice of physician form promulgated by the director of the office of workers' compensation and shall contain the notice of the employee's rights provided under R.S. 23:1121(B)(1). Such form shall be provided to the employee either in person or by certified mail."

AMENDMENT NO. 5

On page 2, delete line 9 in its entirety

AMENDMENT NO. 6

On page 2, line 10, after "apply" delete the remainder of the line and insert the following: "to other physicians to whom the employee is referred by the physician selected by the employer unless the employer or insurer has obtained the choice of physician form provided for under Subparagraph (2)(b) separately for any such physician after the initial medical examination with that physician."

AMENDMENT NO. 7

On page 2, delete lines 11 and 12 in their entirety and insert in lieu thereof the following:

"(4) In instances where the employee is illiterate or has a language barrier, an authorized representative of the employer or insurer shall attest by his signature on the form that he has reasonably read and explained the form to such employee prior to his signature.

(5) If the employee fails or refuses to sign the form as provided in Subparagraph (2)(b) and Paragraph (3) of this Subsection, the employer or his insurer shall be entitled to seek an expedited hearing to be held within ten days, and upon order of the court, may suspend medical benefits until such time as the employee complies with Subparagraph (2)(b) and Paragraph (3) of this Subsection."

On motion of Rep. Guillory, the amendments were adopted.

On motion of Rep. Guillory, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1685—

BY REPRESENTATIVES PEYCHAUD AND MURRAY

AN ACT

To amend and reenact Sections 7(c) and 20(l) of Act No. 170 of the 1968 Regular Session as amended by Act No. 299 of the 1972 Regular Session and Act No. 135 of the 1994 Third Extraordinary Session, relative to the New Orleans Community Improvement Act; to provide relative to electorate approval of community improvement plans undertaken by the New Orleans Redevelopment Authority; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 1685 by Representative Peychaud

AMENDMENT NO. 1

On page 2, line 8, after "(c)" delete the remainder of the line and insert in lieu thereof "Approval of redevelopment plan or project; issuance"

AMENDMENT NO. 2

On page 2, between lines 9 and 10, insert the following:

"Each redevelopment plan or project proposed through the plans prepared or caused to be prepared by the authority in compliance with this Act shall be approved by the ~~qualified electorate~~ mayor of the municipality."

On motion of Rep. Broome, the amendments were adopted.

On motion of Rep. Broome, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1712—

BY REPRESENTATIVE SCALISE

AN ACT

To amend and reenact R.S. 23:1031.1(E), relative to workers' compensation; to repeal provisions allowing notice to constitute a claim for disability; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Labor and Industrial Relations.

On motion of Rep. Guillory, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1720—

BY REPRESENTATIVE FLAVIN

AN ACT

To enact R.S. 33:4045.1, relative to sewerage assessments in the city of Lake Charles; to provide relative to the payment and collection of such assessments; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Broome, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1913—

BY REPRESENTATIVE SWILLING

AN ACT

To enact R.S. 33:9033.4, to create the New Orleans East Tax Increment Financing District; to provide for the powers and duties of the district, including the power to engage in tax increment financing; to provide for the governance of the district; to provide for the boundaries of the district; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Broome, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

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HOUSE BILL NO. 1916—

BY REPRESENTATIVE DARTEZ

AN ACT

To amend and reenact R.S. 33:2333(B)(2)(a) and to repeal R.S. 33:2333(B)(3), relative to the disposition of stolen, seized, or relinquished property; to provide with respect to the disposition of noncontraband property; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1930—

BY REPRESENTATIVE FRUGE

AN ACT

To amend and reenact the heading of Part VI of Chapter 18 of Title 3 of the Louisiana Revised Statutes of 1950 and to enact Subpart D of Part VI of Chapter 18 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2991 through 2994, relative to fowl and poultry; to prohibit fowl and poultry from running at large; to provide penalties for violations; to provide liability for damages; to provide for exceptions; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original House Bill No. 1930 by Representative Fruge

AMENDMENT NO. 1

On page 1, line 5, change "2993" to "2994"

AMENDMENT NO. 2

On page 1, line 7, after "damages;" and before "and" insert "to provide for exceptions;"

AMENDMENT NO. 3

On page 1, line 13, change "2993" to "2994"

AMENDMENT NO. 4

On page 2, line 9, after "A." and before "All" insert "Only owners or tenants of the property on which a violation occurs are authorized to make a complaint regarding a violation of this Subpart."

AMENDMENT NO. 5

On page 2, after line 21, add the following:

"§2994. Exceptions

Provisions of this Subpart shall not apply in Allen, Beauregard, and Vernon parishes."

On motion of Rep. Thompson, the amendments were adopted.

On motion of Rep. Thompson, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1946—

BY REPRESENTATIVE BEARD

AN ACT

To enact R.S. 11:2271, relative to the Firefighters' Retirement System; to provide relative to contributions; to provide that excess funding requirements shall be met by equal contributions of the employers, the employees, and the state under certain circumstances; to specify that such provisions shall not be effective until the dismissal or settlement of the ongoing lawsuit of the Louisiana Municipal Association against the system and the state; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 1946 by Representative Beard

AMENDMENT NO. 1

On page 1, at the top of the page, change "BEARD" to "DANIEL"

AMENDMENT NO. 2

On page 2, line 9, change "increased" to "increase"

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1968—

BY REPRESENTATIVE LEBLANC

AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations for the funding of said agencies and purposes for the 2002-2003 Fiscal Year; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 1968 by Representative LeBlanc

AMENDMENT NO. 1

On page 1, delete lines 21 through 24 in their entirety, and on page 2, delete lines 1 through 5 in their entirety, and insert the following:

"01-139 SECRETARY OF STATE

Provided, however, that the total appropriation for this agency out of the State General Fund by Statutory Dedications out of the Shreveport Riverfront and Convention Center Fund contained in Act 13 of the 2002 Regular Session of the Legislature shall be no more than an amount which is equal to one-third of the total deposits into such fund during Fiscal Year 2002-2003."

AMENDMENT NO. 2

On page 2, between lines 28 and 29, insert the following:

"Payable out of the State General Fund (Direct)
for the Incarceration Program
for unanticipated
utility costs \$ 300,000"

AMENDMENT NO. 3

On page 3, between lines 31 and 32, insert the following:

"Payable out of the State General Fund by
Statutory Dedications from the Pari-mutuel
Live Racing Facility Gaming Control Fund
for enforcement activity at Louisiana Downs \$ 57,116"

AMENDMENT NO. 4

On page 4, line 21, change "30,000,000" to "6,965,000"

AMENDMENT NO. 5

On page 4, delete lines 22 through 32 in their entirety

AMENDMENT NO. 6

On page 4, line 36, change "13,333,333" to "982,833"

AMENDMENT NO. 7

On page 4, line 41, change "13,333,333" to "982,833"

AMENDMENT NO. 8

On page 4, delete lines 42 through 44 in their entirety

AMENDMENT NO. 9

On page 5, delete lines 1 through 22 in their entirety, and insert the following:

"Payable out of the State General Fund by
Statutory Dedications from the Health Excellence
Fund to the Payments to Private Providers
Program for LaCHIP expenditures \$ 6,037,985

Provided, however, that the commissioner of administration is hereby authorized and directed to adjust the means of finance for this agency, as contained in Act 13 of the 2002 Regular Session of the Legislature, by reducing the appropriation out of the Louisiana Fund by \$6,037,985.

Payable out of the State General Fund by Statutory
Dedications from the Health Excellence Fund to
the Payments to Private Providers Program \$ 3,811,443

Provided, however, that the commissioner of administration is hereby authorized and directed to adjust the means of finance for this agency, as contained in Act 13 of the 2002 Regular Session of the Legislature,

by reducing the appropriation out of the State General Fund (Direct) by \$3,811,443.

EXPENDITURES:

Payments to Public Providers Program for
optimization of merit funding for the LSU
Health Sciences Center in Shreveport \$ 577,220

FROM:

State General Fund (Direct) \$ 167,163
Federal Funds \$ 410,057

TOTAL MEANS OF FINANCING \$ 577,220

EXPENDITURES:

Uncompensated Care Costs for the
optimization of merit funding for the LSU
Health Sciences Center in Shreveport \$ 1,742,719

FROM:

State General Fund (Direct) \$ 500,509
Federal Funds \$ 1,242,210

TOTAL MEANS OF FINANCING \$ 1,742,719

Payable out of the State General Fund by
Statutory Dedications from the Medical
Assistance Program Fraud Detection Fund
to the Payments to Private Providers Program \$ 1,195,000

Provided, however, that the commissioner of administration is hereby authorized and directed to adjust the means of finance for this agency, as contained in Act 13 of the 2002 Regular Session of the Legislature, by reducing the appropriation out of the Louisiana Fund by \$1,195,000.

Payable out of Federal Funds to
reflect the change in the federal medical
assistance percentage, pursuant to the
Jobs and Growth Tax Relief Reconciliation
Act of 2003 \$ 25,900,000

Provided, however, that the Department of Health and Hospitals shall apportion such funding among the programs of this agency as necessary, and shall adjust the means of finance for the agency utilized for provider payments made during the last three months of Fiscal Year 2002-2003 to reflect the enhanced federal medical assistance matching percentage in effect for such period.

Payable out of Federal Funds to the
Payments to Private Providers Program
for payment of hospital cost reports \$ 11,876,800

Provided however, that the Department of Health and Hospitals shall pay the state matching costs in the amount of \$4,123,200 which are associated with these hospital cost report payments from the appropriations for this agency contained in Act 13 of the 2002 Regular Session of the Legislature.

Payable out of Federal Funds to the
Payments to Private Providers Program
for payment of hospital "outlier" reimbursements
limited to 100% of marginal cost and based
on the use of updated cost-to-charge ratios \$ 10,297,010

Provided however, that the Department of Health and Hospitals shall pay the state matching costs in the amount of \$3,574,753 which are associated with these outlier reimbursement payments from the appropriations for this agency contained in Act 13 of the 2002 Regular Session of the Legislature.

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Payable out of Federal Funds to the Payments to Private Providers Program for payment of "outlier" reimbursements to certain hospitals meeting specific criteria to be determined by the Department of Health and Hospitals and as approved by the Centers for Medicare and Medicaid Services \$ 1,484,600

Provided however, that the Department of Health and Hospitals shall pay the state matching costs in the amount of \$515,400 which are associated with these outlier reimbursement payments from the appropriations for this agency contained in Act 13 of the 2002 Regular Session of the Legislature.

Provided however, that the commissioner of administration is hereby authorized and directed to adjust the means of finance for this agency, as contained in Act 13 of the 2002 Regular Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenue by \$14,400,000. Further, the Department of Health and Hospitals is prohibited from requiring that the Louisiana State University - Health Care Services Division remit a like amount for state matching cost associated with increased Medicaid payments to the Health Care Services Division.

Provided further, that the commissioner of administration is hereby authorized and directed to adjust the means of finance for this agency contained in Act 13 of the 2002 Regular Session of the Legislature, by reducing the appropriation out of the State General Fund by Fees and Self-generated Revenue by \$3,000,000.

Provided further, that for payment of cost reports in the amount of \$10,698,935 to the Louisiana State University-Health Sciences Center-Shreveport, the Department of Health and Hospitals shall pay the state matching costs which are associated with these payments from appropriations for this agency contained in Act 13 of the 2002 Regular Session of the Legislature.

09-351 OFFICE FOR ADDICTIVE DISORDERS

Payable out of the State General Fund (Direct) for the Prevention and Treatment Program for maintenance of effort related to the federal Substance Abuse and Prevention Block Grant \$ 800,000

Provided, however, that \$800,000 shall be transferred to the Supreme Court for support of the Drug Court Program."

AMENDMENT NO. 10

On page 5, between lines 23 and 24, insert the following:

"10-355 OFFICE OF FAMILY SUPPORT

Payable out of the State General Fund by Fees and Self-generated Revenues for the Client Services Program to provide for child support \$ 2,000,000

Provided, however, that the commissioner of administration is hereby authorized and directed to adjust the means of finance for this agency, as contained in Act 13 of the 2002 Regular Session of the Legislature, by reducing appropriations out of the State General Fund (Direct) by \$594,000 and out of Statutory Dedications from the Louisiana Fund by \$1,406,000."

AMENDMENT NO. 11

On page 5, delete lines 25 through 32 in their entirety

AMENDMENT NO. 12

On page 5, delete lines 40 through 42 in their entirety and insert the following:

"to offset a shortfall in Fees and Self-generated Revenues derived from penalty collections \$ 2,000,000

Payable out of State General Fund by Fees and Self-generated Revenues for the Charitable Gaming Program for operations \$ 43,088

Provided, however, that the commissioner of administration is hereby authorized and directed to adjust the means of finance for this agency, as contained in Act 13 of the 2002 Regular Session of the Legislature, by reducing appropriations out of the State General Fund (Direct) by \$43,088."

AMENDMENT NO. 13

On page 6, line 13, change "2,871,348" to "2,892,498"

AMENDMENT NO. 14

On page 6, line 14, change "2,871,348" to "2,892,498"

AMENDMENT NO. 15

On page 6, line 16, change "2,275,731" to "2,319,939"

AMENDMENT NO. 16

On page 6, line 17, change "595,617" to "572,559"

AMENDMENT NO. 17

On page 6, line 18, change "2,871,348" to "2,892,498"

AMENDMENT NO. 18

On page 6, line 23, change "2,871,348" to "2,892,498"

AMENDMENT NO. 19

On page 6, delete lines 26 through 32 in their entirety

AMENDMENT NO. 20

On page 7, line 37, change "7,000" to "45,511"

AMENDMENT NO. 21

On page 8, line 2, change "7,000" to "45,511"

AMENDMENT NO. 22

On page 8, between lines 2 and 3, insert the following:

"Payable out of the State General Fund (Direct) to provide for the salary increment due certain educators pursuant to the Professional Improvement Program \$ 1,297,929

Payable out of the State General Fund (Direct) for partial restoration of funding to local school districts impacted by reductions in the Minimum Foundation Program formula for Fiscal Year 2001-2002 \$ 3,748,534"

AMENDMENT NO. 23

On page 8, between lines 13 and 14, insert the following:

"20-901 SALES TAX DEDICATIONS

Payable out of the State General Fund by
Statutory Dedications from the Concordia
Parish Economic Development Fund for
Concordia Parish \$ 10,000

20-945 STATE AID TO LOCAL GOVERNMENT ENTITIES

Payable out of the State General Fund (Direct)
to the town of Rayville for
downtown development \$ 18,644

Provided, however, that the appropriation contained in Act 13 of the
2002 Regular Session of the Legislature in the amount of \$20,000
payable out of the State General Fund (Direct) to the Joy Theater is null,
void, and of no effect, and the state treasurer shall not honor warrants
drawn thereon.

Payable out of the State General Fund (Direct)
to the town of Ferriday for the Florida Street
Gymnasium \$ 46,611

Provided, however, that the appropriation contained in Act 13 of the
2002 Regular Session of the Legislature in the amount of \$50,000
payable out of the State General Fund (Direct) to the Concordia Parish
Young Men's Christian Association is null, void and of no effect, and
the state treasurer shall not honor warrants drawn thereon."

AMENDMENT NO. 24

On page 8, between lines 14 and 15, insert the following:

"Payable out of the State General Fund by
Statutory Dedications from the Choose Life
Fund for the Choose Life Advisory Board \$ 20,000"

AMENDMENT NO. 25

On page 8, line 21, change "70,000,000" to "9,728,951"

AMENDMENT NO. 26

On page 8, line 22, after "Sixty" delete the remainder of the line and
insert "-six Million Five Hundred Thousand and No/100
(\$66,500,000.00)"

AMENDMENT NO. 27

On page 9, line 7, change "200,000" to "400,000"

AMENDMENT NO. 28

On page 9, line 11, change "100,000" to "200,000"

AMENDMENT NO. 29

On page 9, delete lines 12 and 13 in their entirety

AMENDMENT NO. 30

On page 9, line 15, change "1,500,000" to "1,800,000"

AMENDMENT NO. 31

On page 9, line 14, change "(6)" to "(5)"

AMENDMENT NO. 32

On page 9, line 16, change "(7)" to "(6)"

AMENDMENT NO. 33

On page 9, line 17, change "(8)" to "(7)"

AMENDMENT NO. 34

On page 9, line 18, change "1,775,000" to "2,322,607"

AMENDMENT NO. 35

On page 9, delete lines 19 through 22 in their entirety

AMENDMENT NO. 36

On page 9, line 23, change "C." to "B."

AMENDMENT NO. 37

On page 10, between lines 19 and 20, insert the following:

"Section 6. The provisions of Section 3 of Act 53 of the 2002
Regular Session of the Legislature are amended and reenacted to read
as follows:

Section 3.A. The sum of Seven Million Three Hundred Eighty-one
Thousand Eight Hundred and No/100 (\$7,381,800.00) Dollars is
hereby appropriated out of the State General Fund (Direct) to the
Supreme Court for the maintenance and enhancement of drug courts.
Provided, however, the Department of Health and Hospitals, Office for
Addictive Disorders, shall expend an amount estimated at One Million
Five Hundred Thousand and No/100 (\$1,500,000.00) Dollars from the
federal Substance Abuse Block Grant as contained in Schedule 09-351
in the Act introduced as House Bill No. 1 of the 2002 Regular Session
of the Legislature to provide inpatient substance abuse treatment
services for adults and juveniles enrolled in the drug court program.

B. The sum of Eight Hundred Thousand and No/100 (\$800,000.00)
Dollars is hereby appropriated out of the State General Fund by
Interagency Transfers to the Supreme Court from the Department of
Health and Hospitals, Office for Addictive Disorders for the provision
of drug court services."

AMENDMENT NO. 38

On page 10, at the beginning of line 20, change "Section 6." to "Section
7."

On motion of Rep. LeBlanc, the amendments were adopted.

On motion of Rep. LeBlanc, the bill, as amended, was ordered
engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 2029 (Substitute for House Bill No. 989 by
Representative Townsend) —
BY REPRESENTATIVE TOWNSEND
AN ACT**

To enact R.S. 37:24, relative to health care professionals; to provide for
access to certain information from health care professional licensing
boards; to provide for information on adverse actions taken against
health care professionals; and to provide for related matters.

Read by title.

On motion of Rep. Townsend, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**Senate Instruments on Second Reading
Returned from the Legislative Bureau**

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

**SENATE BILL NO. 27—
BY SENATOR HAINKEL**

AN ACT

To amend and reenact R.S. 56:116.1(B)(1), relative to the use of aircraft in the taking of wild turkey and white-tailed deer; to prohibit the use of aircraft for the taking, or spotting of either species; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 27 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 3, before "to prohibit" change "taking of wild turkey and white-tailed deer" to "hunting, shooting, taking or possessing game birds and wild quadrupeds"

AMENDMENT NO. 2

On page 1, line 4, following "for" and before "and to" change "the taking, or spotting of either species" to "such activities"

On motion of Rep. Pierre, the amendments were adopted.

On motion of Rep. Pierre, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 35—
BY SENATORS GAUTREAUX, DUPRE AND HOYT
AN ACT**

To amend and reenact R.S. 56:303.1.1(D), relative to the fresh products license; to authorize the department to disqualify applicants for renewal of the fresh products license; to provide for issuance of a fresh product probation license under certain circumstances; to provide relative to reporting requirements involving fresh products licenses; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Engrossed Senate Bill No. 35 by Senators Gautreaux, Dupre and Hoyt

AMENDMENT NO. 1

On page 2, between lines 16 and 17, insert the following:

"(c) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, all revenues collected under the provisions of this Paragraph shall be credited to the Conservation Fund."

AMENDMENT NO. 2

On page 3, between lines 6 and 7, insert the following:

"(c) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, all revenues collected under the provisions of this Paragraph shall be credited to the Conservation Fund."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the amendments were adopted.

On motion of Rep. Pierre, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 38—

BY SENATORS IRONS, BARHAM, BOISSIERE, CAIN, CRAVINS, DARDENNE, DUPRE, GAUTREAUX, HOLDEN, HOLLIS, MICHOT, MOUNT, THEUNISSEN, ULLO AND HOYT AND REPRESENTATIVES E. ALEXANDER, BALDONE, BRUCE, K. CARTER, CRANE, CROWE, ERDEY, FAUCHEUX, FLAVIN, GALLOT, HUDSON, HUTTER, L. JACKSON, KATZ, LEBLANC, MURRAY, ODINET, PEYCHAUD, POWELL, QUEZAIRE, SCHNEIDER, JACK SMITH, TOOMY, TOWNSEND, WELCH, BAUDOIN AND M. JACKSON

AN ACT

To amend and reenact R.S. 17:274(B), relative to required courses of study; to require the free enterprise curriculum to include instruction in personal finance beginning with the 2004-2005 school year; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 50—

BY SENATORS THEUNISSEN, HOYT AND MOUNT
AN ACT

To amend and reenact R.S. 17:432(A)(1), (B), (C), (D), and (E) and 432.1(A), (B)(1), (C), (D), and (E), relative to awards for various school employees; to eliminate the limit on the amount of money that may be provided for such awards; to require school board approval of the amount of money provided for such awards; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 50 by Senator Theunissen

AMENDMENT NO. 1

On page 1, line 15, following "local" and before "school" insert "public"

AMENDMENT NO. 2

On page 2, line 9, following "local" and before "school" insert "public"

AMENDMENT NO. 3

On page 3, lines 2 and 21, following "local" and before "school" insert "public"

AMENDMENT NO. 4

On page 4, line 13, following "local" and before "school" insert "public"

AMENDMENT NO. 5

On page 4, delete lines 6 through 9

AMENDMENT NO. 6

On page 4, line 19, following "each" and before "school" delete "parish or city"

On motion of Rep. Crane, the amendments were adopted.

On motion of Rep. Crane, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 55— BY SENATOR FIELDS

AN ACT

To enact R.S. 22:636.1(L), relative to automobile insurance; to prohibit insurers from canceling automobile insurance under certain circumstances; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Reengrossed Senate Bill No. 55 by Senator Fields

AMENDMENT NO. 1

On page 1, line 12, after "a" insert "single"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Hebert, the amendments were adopted.

On motion of Rep. Hebert, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 56—

BY SENATORS FIELDS AND BOISSIERE

AN ACT

To enact R.S. 22:652.5, relative to automobile insurance; to prohibit use of credit information in determining whether to refuse to issue or renew, to increase premiums, or cancel coverage on a policy; to provide for penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Insurance.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Reengrossed Senate Bill No. 56 by Senator C. Fields

AMENDMENT NO. 1

On page 1, delete lines 2 through 5, both inclusive and in their entirety, and insert in lieu thereof the following:

"To enact Part XXXI-A of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1481 through 1494, relative to the use of credit information for personal insurance; to provide for requirements and restrictions; to provide for corrections; to provide for notification; to provide for filings; to provide for indemnification; to provide for applicability; and to provide for related matters."

AMENDMENT NO. 2

On page 1, after line 6 delete the remainder of the page, delete pages 2 through 11, both inclusive and in their entirety, and insert in lieu thereof the following:

"Section 1. Part XXXI-A of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1481 through 1494, is hereby enacted to read as follows:

PART XXXI-A. USE OF CREDIT INFORMATION

§1481. Purpose

The purpose of this Part is to regulate the use of credit information for personal insurance so that consumers are afforded certain protections with respect to the use of such information.

§1482. Scope

This Part applies to personal insurance and not to commercial insurance. For purposes of this Part, "personal insurance" means private passenger automobile, homeowners, motorcycle, mobile home owners, and noncommercial dwelling fire insurance policies and boat, personal watercraft, snowmobile, and recreational vehicle policies. Such policies must be individually underwritten for personal, family, or household use. No other type of insurance shall be included as personal insurance for the purposes of this Part.

§1483. Definitions

For the purposes of this Part, the following terms shall have the following meanings:

(1) "Adverse action" means a denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of any insurance, existing or applied for, in connection with the underwriting of personal insurance.

(2) "Affiliate" means any company that controls, is controlled by, or is under common control with another company.

(3) "Applicant" means any individual who has applied to be covered by a personal insurance policy with an insurer.

(4) "Consumer" means an insured whose credit information is used or whose insurance score is calculated in the underwriting or rating of a personal insurance policy or an applicant for such a policy.

(5) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(6) "Credit information" means any credit-related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. Information that is not credit related shall not be considered "credit information", regardless of whether it is contained in a credit report or in an application, or is used to calculate an insurance score.

(7) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, or credit capacity which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement.

(8) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

§1484. Use of credit information

An insurer authorized to do business in Louisiana that uses credit information to underwrite or rate risks shall not:

(1) Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status, or nationality of the consumer as a factor.

(2) Deny, cancel, or nonrenew a policy of personal insurance solely on the basis of credit information, without consideration of any other applicable underwriting factor independent of credit information and not expressly prohibited by Paragraph (1) of this Section.

(3) Base an insured's renewal rates for personal insurance solely upon credit information, without consideration of any other applicable factor independent of credit information.

(4) Take an adverse action against a consumer solely because he does not have a credit card account or other credit history, without consideration of any other applicable factor independent of credit information.

(5) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer does one of the following:

(a) Treats the consumer as otherwise approved by the commissioner, if the insurer presents information that such an absence or inability relates to the risk by the insurer.

(b) Treats the consumer as if the applicant or insured had neutral credit information, as defined by the insurer.

(c) Excludes the use of credit information as a factor and uses only other underwriting criteria.

(6) Takes an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within ninety days from the date the policy is first written or renewal is issued.

(7) Uses credit information unless not later than every thirty-six months following the last time that the insurer obtained current credit information for the insured, the insurer recalculates the insurance score or obtains an updated credit report. Regardless of the requirements of this Paragraph:

(a) At annual renewal, upon the request of a consumer or the consumer's agent, the insurer shall re-underwrite and re-rate the policy based upon a current credit report or insurance score. An insurer need not recalculate the insurance score or obtain the updated credit report of a consumer more frequently than once in a twelve-month period.

(b) The insurer shall have the discretion to obtain current credit information upon any renewal before thirty-six months, if consistent with its underwriting guidelines.

(c) No insurer need obtain current credit information for an insured, notwithstanding the requirements of Subparagraph (a) of this Paragraph, if one of the following applies:

(i) The insurer is treating the consumer as otherwise approved by the commissioner.

(ii) The insured is in the most favorably priced tier of the insurer or group of affiliated insurers; however, the insurer shall have the discretion to order such report, if consistent with its underwriting guidelines.

(iii) Credit was not used for underwriting or rating such insured when the policy was initially written; however, the insurer shall have the discretion to use credit for underwriting or rating such insured upon renewal, if consistent with its underwriting guidelines.

(iv) The insurer reevaluates the insured beginning no later than thirty-six months after inception and thereafter based upon other underwriting or rating factors, excluding credit information.

(v) The insurer provides a documented offer to the insured on an annual basis of the insured's right to voluntarily request that their insurance credit score be rerun and reevaluated based on the current information available at the time of the insured's request.

(d) For personal policies in place prior to the effective date of this Part, the insurer shall begin reevaluating renewal policies in compliance with this Section no later than thirty-six months from the said effective date, unless otherwise requested in accordance with Subparagraph (a) of this Paragraph or otherwise not required under Subparagraph (c) of this Paragraph.

(8) Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal insurance:

(a) Credit inquiries requested by the consumer for his own credit information, or inquiries not initiated by the consumer, including promotional inquiries, periodic inquiries by existing credit providers, and credit system administration inquiries.

(b) Inquiries relating to insurance coverage, if so identified on a consumer's credit report.

(c) Collection accounts with a medical industry code, if so identified on the consumer's credit report.

(d) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within thirty days of one another, unless only one inquiry is considered.

(e) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within thirty days of one another, unless only one inquiry is considered.

(f) The extension of available credit in excess of what the insurer deems reasonable, when the consumer has an otherwise acceptable credit history and does not present an increased underwriting or rating risk.

(9) Create disparities between underwriting tier placement between different lines of personal insurance for the same applicant solely on the basis of credit information unless actuarially justified, without consideration of any other applicable underwriting factor independent of credit information and not expressly prohibited by Paragraph (1) of this Section.

§1485. Dispute resolution and error correction

If it is determined through the dispute resolution process set forth in the federal Fair Credit Reporting Act, 15 U.S.C. 1681(i)(a)(5) that the credit information of a current insured was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall re-underwrite and re-rate the consumer within thirty days of receiving the notice. After re-underwriting or re-rating the insured, the insurer shall make any adjustments necessary, consistent with its underwriting and rating guidelines. If an insurer determines that the insured has overpaid premium, the insurer shall refund to the insured the amount of overpayment calculated back to the shorter of either the last twelve months of coverage or the actual policy period.

§1486. Appeals of underwriting or rates

Insurers using credit information to underwrite or rate risks shall provide a process for the consumer to appeal the underwriting or rating of risks for which credit scoring may be an inappropriate factor. Nothing in this Section shall be construed to provide a consumer or other insured with a cause of action that does not exist in the absence of this Section.

§1487. Exemptions from the use of credit information

Insurers shall provide reasonable exemptions from the use of credit information in underwriting or rating risks if the consumer can clearly demonstrate that his credit history is unduly influenced by a medical crisis, death of a spouse, identity theft, the personal guaranty of a business loan, or a catastrophic event as deemed by the commissioner of insurance. Nothing in this Section shall be construed to provide a consumer or other insured with a cause of action that does not exist in the absence of this Section.

§1488. Initial notification

A. If an insurer writing personal insurance uses credit information in underwriting or rating a consumer, the insurer or its agent shall disclose, either on the insurance application or at the time the insurance application is taken, that it may obtain credit information in connection with such application. Such disclosure shall be either written or provided to an applicant in the same medium as the application for insurance. The insurer need not provide the disclosure statement

required under this Section to any insured on a renewal policy, if such consumer has previously been provided a disclosure statement.

B. Use of the following example disclosure statement constitutes compliance with this Section: "In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score."

§1489. Adverse action notification

If an insurer takes an adverse action based upon credit information, the insurer must meet the notice requirements of this Section. Such insurer shall:

(1) Provide notification to the consumer that an adverse action has been taken in accordance with the requirements of the federal Fair Credit Reporting Act, 15 U.S.C. 1681m(a).

(2) Provide notification to the consumer explaining the reason for the adverse action. The reasons shall be provided in sufficiently clear and specific language so that a person can identify the basis for the insurer's decision to take an adverse action. Such notification shall include a description of up to four factors that were the primary influences of the adverse action. The use of generalized terms such as "poor credit history", "poor credit rating", or "poor insurance score" does not meet the explanation requirements of this Section. Standardized credit explanations provided by consumer reporting agencies or other third-party vendors are deemed to comply with this Section.

§1490. Filing

A. Insurers that use insurance-related scoring systems to underwrite and rate risks shall file their scoring models or other scoring processes with the Department of Insurance. A third party may file scoring models on behalf of insurers. A filing that includes insurance scoring may include loss experience justifying the use of credit information.

B. Any filing relating to credit information is considered a trade secret under R.S. 51:1431.

§1491. Indemnification

A. An insurer shall indemnify, defend, and hold producers harmless from and against all liability, fees, and costs arising out of or relating to the actions, errors, or omissions of a producer who obtains or uses credit information or insurance scores for an insurer, provided the producer follows the instructions of or procedures established by the insurer and complies with any applicable law or regulation.

B. An insurer or credit information provider shall not require a producer to indemnify or hold them harmless, except to the extent of the producer's negligent failure to comply with procedures established by the insurer or credit information provider. An insurer shall not evaluate or compensate a producer based upon the customer credit scores submitted by the producer. An insurer using credit information for underwriting or rating purposes shall provide appropriate training to its producers.

C. Nothing in this Section shall be construed to provide a consumer, agent, or other insured with a cause of action that does not exist in the absence of this Section.

§1492. Sale of policy term information by consumer reporting agency

A. No consumer reporting agency or insurer shall provide or sell dates or lists that include any information that in whole or in part was submitted in conjunction with an insurance inquiry about a consumer's credit information or a request for a credit report or insurance score. Such information includes but is not limited to the expiration dates of an insurance policy or any other information that may identify time periods during which a consumer's insurance may expire and the terms and conditions of the consumer's insurance coverage.

B. The restrictions provided in Subsection A of this Section do not apply to data or lists the consumer reporting agency or insurer supplies to the insurance producer from whom information was received, the insurer on whose behalf such producer acted, or such insurer's group, affiliates, or holding companies.

C. Nothing in this Section shall be construed to restrict any insurer from being able to obtain a claims history report or a motor vehicle report.

§1493. Severability

If any portion of this Part is declared invalid due to an interpretation of or a future change in the federal Fair Credit Reporting Act, the remaining parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

§1494. Applicability

This Part shall apply to personal insurance policies either written to be effective or renewed on or after nine months from the effective date of this Part."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Hebert, the amendments were adopted.

On motion of Rep. Hebert, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 83—

BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(c), relative to the Department of Education, including provisions to provide for the re-creation of the Department of Education and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 112—

BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:10.4(D)(1), relative to school and district accountability; to allow distinguished educators who are active employees of a public postsecondary institution or any city or parish or other local school system to be granted a leave of absence

from such employment up to six years; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 112 by Senator Theunissen

AMENDMENT NO. 1

On page 1, line 5 and on page 2, lines 1 and 7, following "local" and before "school" insert "public"

On motion of Rep. Crane, the amendments were adopted.

On motion of Rep. Crane, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 116—

BY SENATOR DARDENNE

AN ACT

To enact R.S. 40:2155(B)(8) and (9), relative to adult residential care homes; to provide for resident support during times of emergency and natural disasters; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 126—

BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:31(A)(1), the introductory paragraph of (2)(a), (2)(a)(iv), the introductory paragraph of (2)(b), (2)(b)(iv) and (v), and (c), 32(B), the introductory paragraph of 33(A), and 33(A)(2) and (B), and to enact R.S. 17:31(A)(2)(d) and (e), relative to the State Advisory Commission on Teacher Education and Certification; to revise and increase the membership; to provide for the transaction of business; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 126 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 11, following "local" and before "school" insert "public"

On motion of Rep. Crane, the amendments were adopted.

On motion of Rep. Crane, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 128—

BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:433(C) and to enact R.S. 17:433(D) and 433.1, relative to the outstanding state teacher and principal awards; to establish the outstanding state principal awards; to allow the recipients of the state awards to receive certain monetary awards from private sources; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 231—

BY SENATOR THEUNISSEN
AN ACT

To amend and reenact R.S. 17:10.3(C), relative to the School and District Accountability Rewards Fund; to provide for an optional secondary purpose for which monies in the fund may be spent; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 294—

BY SENATOR DARDENNE
AN ACT

To amend and reenact R.S. 37:751(A)(6), 752(2), 780(B)(1), 791(B), 1744(A)(1) and (2), and 1745(A)(1) and (2) and to enact R.S. 37:794(C) and (D) and 795(B)(1)(l) relative to the dental practice act; to provide definitions; to provide with respect to the burden of proof and decisions for certain hearings; to provide for inventory requirements; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 294 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 25, following "by" and before "clear" delete "the"

AMENDMENT NO. 2

On page 3, line 24, following "Subsection," and before "the" delete "a"

AMENDMENT NO. 3

On page 4, line 25, following "(1)" and before "fees" change "miscellaneous" to "Miscellaneous"

AMENDMENT NO. 4

On page 5, delete lines 9 through 24 and insert the following:

"(1) "Board" means Louisiana State Board of Medical Examiners, Louisiana State Board of Dentistry, Louisiana Board of Chiropractic Examiners, Louisiana State Board of Optometry Examiners, Louisiana State Board of Physical Therapy Examiners, Louisiana State Board of Examiners for Psychologists, Louisiana State Board of Nursing, Louisiana Licensed Professional Counselors Board of Examiners, Louisiana State Board of Practical Nurse Examiners, Louisiana Licensed Professional Counselors Board of Examiners, or Louisiana Board of Pharmacy.

(2) "Health care provider" means a person, partnership, or corporation, licensed by this state to provide health care or professional services as a physician, dentist, chiropractor, podiatrist, optometrist, physical therapist, psychologist, licensed professional counselor, registered or licensed practical nurse, pharmacist, and any officer, employee, or agent thereof acting in the course and scope of his employment."

AMENDMENT NO. 5

On page 6, line 9, following "Examiners," change "and" to "or"

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 296—

BY SENATOR DARDENNE
AN ACT

To amend and reenact R.S. 37:786, relative to the practice of dentistry; to provide for judicial review of decisions made by the board of dentistry; to provide for procedures; to provide for the furnishing of security; to provide for the filing of additional evidence; to provide for reversal or modification of board decisions under certain specified circumstances; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

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SENATE BILL NO. 297— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:788(B)(3) and 789(A) and (B) and to enact R.S. 37:789(C) and (D), relative to the practice of dentistry and dental hygiene without a license; to provide for penalties; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 330— BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:153(L), relative to the Sheriffs' Pension and Relief Fund; to provide with respect to purchase of military service credit for years of active duty military service in the Vietnam Conflict; to provide with respect to employee contributions; to provide with respect to employer contributions; to provide for severability; to provide for an effective date; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Salter, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 378— BY SENATOR SCHEDLER

AN ACT

To enact R.S. 40:2009, relative to facilities participating in the Medicaid Residential Treatment Option; to provide for mandatory accreditation of facilities providing residential supports and services by either Joint Commission on the Accreditation of Health Care Organizations or the Council on the Accreditation of Rehabilitation; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Engrossed Senate Bill No. 378 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 4, delete "either" and insert "the"

AMENDMENT NO. 2

On page 1, line 5, after "Organizations" delete "or" and insert a comma ","

AMENDMENT NO. 3

On page 1, line 6, after "Rehabilitation" and before the semi-colon ";," insert "Facilities, or the Council on Accreditation for Children and Family Services"

AMENDMENT NO. 4

On page 1, at the end of line 14, after "shall" delete the comma ","

AMENDMENT NO. 5

On page 1, delete line 15 in its entirety

AMENDMENT NO. 6

On page 2, at the beginning of line 1, delete "program."

AMENDMENT NO. 7

On page 2, line 2, after the comma "," delete "or"

AMENDMENT NO. 8

On page 2, line 4, after "Accreditation" insert "for Children and Family Services"

AMENDMENT NO. 9

On page 2, after line 6, insert the following:

"C. Notwithstanding any law to the contrary, the Department of Health and Hospitals shall be the only agency responsible for licensing any facility participating in the Medicaid Residential Treatment Option."

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 378 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 1, before "be" delete "either"

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 388—

BY SENATORS SCHEDLER, BAJOE, C. JONES AND HOLDEN
AN ACT

To enact R.S. 46:153.3(C), relative to medical vendor reimbursements; to prohibit restrictions on the prescribing of atypical antipsychotic drugs for Louisiana Medicaid recipients; to prohibit restrictions of prescription drugs for those Medicaid recipients who are diagnosed with HIV/AIDS; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Reengrossed Senate Bill No. 388 by Senator Schedler

AMENDMENT NO. 1

On page 1, delete lines 2 through 6 and insert:

"To enact R.S. 46:153.3(C), relative to prescription drugs used in the treatment of HIV/AIDS, hepatitis C, and schizophrenia; to provide a list of drugs which shall be exempt from the Department of Health and Hospitals' prior approval requirements; and to provide for related matters."

AMENDMENT NO. 2

On page 1, line 14 after "shall not" delete "establish any limits on, or"

AMENDMENT NO. 3

On page 1, line 15 after "restrict by" delete "any"

AMENDMENT NO. 4

On page 2, lines 5 and 6 delete "formulary limits or restrictions" and insert "prior authorization provisions"

AMENDMENT NO. 5

On page 2, line 16 delete "formulary limitations" and insert "prior authorization provisions"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 500— BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 28:567(E) and R.S. 40:2103(C), 2116(D), and 2116.32(F)(2), and to enact R.S. 40:1300.143(3)(a)(viii) and (c), relative to moratoria on the licensing of mental health clinics and centers, long-term care hospital facilities, nursing facilities, and home health agencies; to extend the moratorium through July 1, 2008; to provide for a moratorium on the designation of rural hospitals for the purpose of the Rural Hospital Preservation Act; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Reengrossed Senate Bill No. 500 by Senator Schedler

AMENDMENT NO. 1

On page 4, line 22, change "April 15" to "May 16"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 567— BY SENATOR LENTINI

AN ACT

To enact R.S. 22:1514.3, relative to insurance policies; to provide for the surrender of a defendant for non-payment of premium; to provide for certain notification requirements upon surrender; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Hebert, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 590— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:793(A)(1) and (2), (B)(1), (2), and (3), (D)(1) and (F), and to enact R.S. 37:795(B)(2)(q) and (r), relative to dentistry; to provide with respect to the administration of certain types of anesthesia; to provide for new fees; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 601— BY SENATOR LENTINI

AN ACT

To enact R.S. 22:1142.1, relative to insurers; to provide for certain licensing requirements for the solicitation of bail; to provide for certain prohibited activities; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Hebert, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

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SENATE BILL NO. 715—

BY SENATOR B. JONES

AN ACT

To enact R.S. 56:410.8, relative to Lake D'Arbonne; to regulate the use of trotlines on Lake D'Arbonne; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Engrossed Senate Bill No. 715 by Senator B. Jones

AMENDMENT NO. 1

On page 2, line 7 change "be" to "the"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the amendments were adopted.

On motion of Rep. Pierre, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 716—

BY SENATOR B. JONES

AN ACT

To enact R.S. 56:410.8, relative to Lake D'Arbonne; to regulate the use of yo-yos and trigger devices on Lake D'Arbonne; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 733—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 30:9.1, relative to oil and gas production; to provide for termination of drilling and production units under certain circumstances; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 759—

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:3398.2, relative to business and industry advisory boards for institutions of postsecondary education; to create and provide for the Process Technology Advisory Board; to provide for its membership; to provide for its mission; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 901—

BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 40:1300.26 and 1300.46, relative to health; to authorize adoption of ordinances regulating smoking in the workplace and public places; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Engrossed Senate Bill No. 901 by Senator Johnson

AMENDMENT NO. 1

On page 1, line 2, after "1300.46" insert "and to enact R.S. 40:1300.28 and 1300.48"

AMENDMENT NO. 2

On page 1, line 4, after "places;" insert "to provide for exemptions;"

AMENDMENT NO. 3

On page 1, line 7, after "reenacted" and before "to" insert "and R.S. 40:1300.28 and 1300.48 are hereby enacted"

AMENDMENT NO. 4

On page 1, line 12, after "regulations" insert "relating to smoking in an office workplace"

AMENDMENT NO. 5

On page 1, line 13, change "Chapter" to "Part"

AMENDMENT NO. 6

On page 2, line 1, change "Chapter" to "Part"

AMENDMENT NO. 7

On page 2, between lines 2 and 3 insert the following:

§1300.28. Prohibition on local regulation for certain locations

A. Notwithstanding any provision of law to the contrary, no municipal or parish governing authority, or political subdivision of this state shall adopt ordinances, rules, or regulations which are more restrictive than the provisions of this Part relating to smoking in any of the following places:

- (1) Any property where gaming operations are conducted.
- (2) Hotel guest rooms.
- (3) Restaurant or alcoholic beverage establishment or facility.
- (4) Tobacco business or shop.

B. For the purposes of this Section:

(1) "Gaming operations" means the conducting or assisting in the conducting of gaming activities or operations upon a riverboat, at the official gaming establishment, by operating an electronic video draw poker device, by a charitable gaming licensee, or at a pari-mutuel wagering facility or offtrack wagering facility which is licensed for operation and regulated under the provisions of Chapter 4 of Title 4, Chapters 4, 5, 6, and 7 of Title 27, or Chapter 11 of Title 4 of the Louisiana Revised Statutes of 1950, or any other gaming operation authorized by law.

(2) "Property" means the designated gaming space and facilities owned, or leased or operated by a licensee or the casino operator that are part of the same facility or complex at which the gaming operations are located including, without limitation, any hotel, restaurant, bar, retail facility, showroom, ballroom or entertainment center.

(3) "Restaurant or alcoholic beverage establishment or facility" means any establishment holding a permit, license, or certificate issued pursuant to the provisions of R.S. 26:71(A)(3)(a), 71.1, 72, 73, 271(A)(2), 271.1, 271.2, and 272.

(4) "Tobacco business or shop" means a sole proprietorship, partnership, corporation, limited liability company or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories at wholesale or retail or any premises owned or leased by a tobacco product manufacturer, importer, distributor, or leaf dealer and principally devoted to the manufacture, importation or sale of tobacco or tobacco products.

* * *

AMENDMENT NO. 8

On page 2, line 7, after "regulations" insert "related to smoking in public places"

AMENDMENT NO. 9

On page 2, line 9, change "Chapter" to "Part"

AMENDMENT NO. 10

On page 2, line 13, change "Chapter" to "Part"

AMENDMENT NO. 11

On page 2, after line 13, insert:

"* * *

§1300.48. Prohibition on local regulation for certain locations

A. Notwithstanding any provision of law to the contrary, no municipal or parish governing authority, or political subdivision of this state shall adopt ordinances, rules, or regulations which are more restrictive than the provisions of this Part relating to smoking in any of the following places:

- (1) Any property where gaming operations are conducted.
- (2) Hotel guest rooms.
- (3) Restaurant or alcoholic beverage establishment or facility.
- (4) Tobacco business or shop.

B. For the purposes of this Section:

(1) "Gaming operations" means the conducting or assisting in the conducting of gaming activities or operations upon a riverboat, at the official gaming establishment, by operating an electronic video draw poker device, by a charitable gaming licensee, or at a pari-mutuel wagering facility or offtrack wagering facility which is licensed for operation and regulated under the provisions of Chapter 4 of Title 4, Chapters 4, 5, 6, and 7 of Title 27, or Chapter 11 of Title 4 of the Louisiana Revised Statutes of 1950, or any other gaming operation authorized by law.

(2) "Property" means the designated gaming space and facilities owned, or leased or operated by a licensee or the casino operator that are part of the same facility or complex at which the gaming operations are located including, without limitation, any hotel, restaurant, bar, retail facility, showroom, ballroom or entertainment center.

(3) "Restaurant or alcoholic beverage establishment or facility" means any establishment holding a permit, license, or certificate issued pursuant to the provisions of R.S. 26:71(A)(3)(a), 71.1, 72, 73, 271(A)(2), 271.1, 271.2, and 272.

(4) "Tobacco business or shop" means a sole proprietorship, partnership, corporation, limited liability company or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories at wholesale or retail or any premises owned or leased by a tobacco product manufacturer, importer, distributor, or leaf dealer and principally devoted to the manufacture, importation or sale of tobacco or tobacco products."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 938—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 11:122(3), 242(E)(introductory paragraph) and (1), 271(C)(1) and (2), 768(D)(3), 883.1(C)(1) (introductory paragraph), 1191, 1549(B), and 2260(A)(11)(d), R.S. 24:38(B)(1), 514(G) and (H), 553(B), and 554(A)(1), and R.S. 33:1531(C); to enact R.S. 24:552.1 and Part III of Chapter 8 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:571 through 575; and to repeal R.S. 24:513(C) and (D)(2) and (3), 514(D), and 521; relative to legislative agencies and employees, to provide with respect to the powers, duties, and functions of the legislative actuary; and to provide for related matters.

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Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Bill No. 938 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 3, after "and (2)," and before "768(D)(3)," insert "542(C)(1)(introductory paragraph),"

AMENDMENT NO. 2

On page 1, line 4, after "R.S. 24:38(B)(1)," and before "514(G)," insert "512,"

AMENDMENT NO. 3

On page 1, at the beginning of line 5, delete "553(B),"

AMENDMENT NO. 4

On page 1, line 5, after "to enact" delete "R.S. 24:552.1" and insert "R.S. 24:39"

AMENDMENT NO. 5

On page 1, line 10, after "actuary;" and before "and to" insert the following:

"to provide for the powers, functions, and duties of the Legislative Budgetary Control Council with respect to the legislative actuary; to provide for the selection and removal of the legislative actuary;"

AMENDMENT NO. 6

On page 1, line 15, after "and (2)," and before "768(D)(3)," insert "542(C)(1)(introductory paragraph),"

AMENDMENT NO. 7

On page 3, between lines 24 and 25 insert the following:

"§542. Employee Experience Account

* * *

C.(1) The board of trustees shall grant a cost-of-living increase to retirees, survivors, and beneficiaries whenever the balance in the employee experience account is sufficient to fully fund such benefit on an actuarial basis, as determined by the system's actuary. If the legislative ~~auditor's~~ actuary disagrees with the determination of the system's actuary, the matter shall be determined by majority vote of the Louisiana Public Retirement Systems' Actuarial Committee. The cost-of-living increase which is authorized by this Subsection shall be limited to the lesser of either two percent or an amount as determined in Paragraph (2) of this Subsection in or for any year in which the system does not earn at least eight and one-quarter percent interest on the investment of the system's assets. The cost-of-living increase shall be limited to and shall only be payable based on an amount not to exceed seventy thousand dollars of the retiree's annual benefit. The increase shall be payable annually on July first of every year and shall equal an amount not to exceed the lesser of:

* * *

AMENDMENT NO. 8

On page 6, line 9, after "R.S. 24:38(B)(1)," and before "514(G)" insert "512,"

AMENDMENT NO. 9

On page 6, line 9, after "and (H)," and before "and 554(A)(1)" delete "553(B)"

AMENDMENT NO. 10

On page 6, line 10, after "reenacted and" and before "Part III" insert "R.S. 24:39 and"

AMENDMENT NO. 11

On page 6, line 12, after "575," delete "and R.S. 24:552.1"

AMENDMENT NO. 12

On page 6, after line 26 insert the following:

"§39. Advise actuary; powers; duties

A. The Legislative Budgetary Control Council shall advise and consult with the legislative actuary with respect to all matters arising out of his functions, duties, and responsibilities to the legislature. The council shall make such recommendations to the legislative actuary and to the legislature as it deems necessary or expedient.

B. The council shall be responsible for reviewing and approving, with whatever changes it deems necessary or appropriate, each annual budget for the legislative actuary prior to submission of such budget to the legislature for funding.

C. The council shall have the power and authority to hold hearings, to subpoena witnesses, administer oaths, compel the production of books, documents, records, papers, public and private, to order the compiling and furnishing to the legislative actuary of the actuarial valuations which are required by law, to petition directly, or through a representative authorized by the council, the courts for writs of mandamus to order the compiling and furnishing of the actuarial valuations required by R.S. 24:574, and to do all other things necessary to advise, aid, and assist the legislative actuary in carrying out his duties and responsibilities.

* * *

§512. Salary and expenses

The salaries of the legislative auditor ~~and the legislative actuary~~ shall be fixed by the Legislative Audit Advisory Council and, together with all other expenses and salaries of his office, shall be paid out of funds appropriated by the legislature for that purpose.

* * *

AMENDMENT NO. 13

On page 7, line 6, delete "audits, reviews, and valuations" and insert "audits; and reviews; ~~and valuations~~"

AMENDMENT NO. 14

On page 7, delete lines 22 through 26 and on page 8, delete lines 1 through 10

AMENDMENT NO. 15

On page 8, line 17, after "R.S. 24:514," delete the remainder of the line and delete line 18, and insert "to"

AMENDMENT NO. 16

On page 8, line 21, after "sworn statements" delete "and actuarial valuations"

AMENDMENT NO. 17

On page 8, delete lines 22 and 23 and insert "24:514,"

AMENDMENT NO. 18

On page 9, line 4, after "Legislative actuary" insert a semicolon ";" and "selection; salary; duties and functions"

AMENDMENT NO. 19

On page 9, delete line 6, and insert the following:

"A. There shall be a legislative actuary who shall perform the functions, duties, and responsibilities as requested by the legislature and the functions, duties, and responsibilities as required by law.

B. The legislative actuary shall be an associate with the Society of Actuaries and an enrolled actuary, and shall have experience with public pensions.

C. The Legislative Budgetary Control Council shall appoint and fix the"

AMENDMENT NO. 20

On page 9, at the end of line 9, after "purpose." insert "The Legislative Budgetary Control Council may remove the legislative actuary."

AMENDMENT NO. 21

On page 9, between lines 9 and 10, insert the following:

"D. Subject to the general direction and supervision of the Legislative Budgetary Control Council, the legislative actuary shall have the following duties and functions:

(1) To develop and make available to the legislature and its committees such actuarial information as will assist the legislature or any legislative committee in its deliberations.

(2) To evaluate on a continuing basis all aspects of any state, municipal, or parochial retirement system, funded in whole or in part out of public funds, as to its actuarial soundness.

(3) To provide actuarial notes on proposed legislation as required by R.S. 24:575.

(4) To conduct other studies and perform other duties which may be of assistance to the legislature in analyzing the financial affairs of the state."

(5) To report to the legislature annually with respect to its activities and at such other times as the Legislative Budgetary Control Council deems appropriate.

(6) To carry out all directives issued by either house of the legislature or any committee thereof."

AMENDMENT NO. 22

On page 9, line 12, delete "He" and insert "The legislative actuary"

AMENDMENT NO. 23

On page 9, line 13, change "Audit Advisory" to "Budgetary Control"

AMENDMENT NO. 24

On page 10, line 9, change "Audit Advisory" to "Budgetary Control"

AMENDMENT NO. 25

On page 10, line 16, after "devices" delete the comma "," and "of the audited." and insert a period "."

AMENDMENT NO. 26

On page 10, line 16, after "upon" and before "and any" delete "the audited" and insert "an agency"

AMENDMENT NO. 27

On page 10, delete line 20, and insert "All of the agencies, boards, commissions, and departments of the state and any of its political subdivisions are hereby directed"

AMENDMENT NO. 28

On page 11, delete line 13, and insert the following:

"actuary and the co-chairmen of the Legislative Budgetary Control Council"

AMENDMENT NO. 29

On page 11, line 24, after "actuary and the" delete the remainder of the line and at the beginning of line 25, delete "Advisory" and insert "co-chairmen of the Legislative Budgetary Control"

AMENDMENT NO. 30

On page 12, line 7, delete "~~auditor~~ actuary" and insert "actuary"

AMENDMENT NO. 31

On page 12, line 8, delete "~~auditor~~ actuary" and insert "actuary"

AMENDMENT NO. 32

On page 12, line 17, change "Audit Advisory" to "Budgetary Control"

AMENDMENT NO. 33

On page 15, line 8, delete "~~auditor~~ actuary" and insert "actuary"

AMENDMENT NO. 34

On page 16, line 5, delete "~~auditor~~ actuary" and insert "actuary"

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 938 by Senator Schedler

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AMENDMENT NO. 1

In House Committee Amendment No. 12 proposed by the House Committee on House and Governmental Affairs, on page 3, line 1, change "salaries" to "salary"

AMENDMENT NO. 2

In House Committee Amendment No. 27 proposed by the House Committee on House and Governmental Affairs, on page 4, line 35, before "All" insert "C."

AMENDMENT NO. 3

In House Committee Amendment No. 33 proposed by the House Committee on House and Governmental Affairs, on page 5, line 15, change "8" to "9"

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1019— BY SENATOR C. JONES

AN ACT

To amend and reenact R.S. 27:317, relative to the Louisiana Gaming Control Law; to provide with respect to the Video Draw Poker Devices Control Law; to provide with respect to residence and domicile requirements for certain licensees; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 1019 by Senator C. Jones

AMENDMENT NO. 1

On page 1, lines 2 and 7, following "27:317" insert "(A) and (C)"

AMENDMENT NO. 2

On page 1, line 7, before "hereby" change "is" to "are"

On motion of Rep. Martiny, the amendments were adopted.

On motion of Rep. Martiny, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1058— BY SENATOR SMITH

AN ACT

To authorize the Board of Supervisors of Community and Technical Colleges to transfer title to certain property; to authorize certain

municipalities to engage in such transfers; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

Reconsideration of Vetoed Bills

The following vetoed bills were taken up, reconsidered, and acted upon as follows:

SENATE BILL NO. 779 (Duplicate of House Bill No. 1669)—
BY SENATOR SMITH AND REPRESENTATIVE THOMPSON AND
COAUTHORED BY REPRESENTATIVES R. CARTER, BAUDOIN,
CAZAYOUX, DOWNS, FANNIN, FRITH, HILL, KENNEY, MORRISH, JACK
SMITH AND STRAIN

AN ACT

To amend and reenact Part VI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:551.1 through 551.12, relative to the production and sale of eggs in Louisiana; to provide relative to the composition of the Louisiana Egg Commission; to provide relative to the authority of the commission and the authority of the commissioner of agriculture and forestry to regulate the egg business; to provide relative to research on and marketing of eggs; to provide for fees and assessments; to provide relative to certain violations and penalties therefor; and to provide for related matters.

Read by title.

Rep. Hill moved that the veto of the Governor be sustained.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pinac
Alario	Gallot	Pitre
Alexander	Glover	Powell
Baldone	Green	Quezaire
Baudoin	Guillory	Salter
Baylor	Hebert	Schneider
Beard	Hill	Schwegmann
Bruce	Hopkins	Shaw
Capella	Hunter	Smith, G.—56th
Carter, K	Iles	Smith, J.D.—50th
Carter, R	Johns	Smith, J.H.—8th
Cazayoux	Kenney	Sneed
Crowe	LaFleur	Stelly
Curtis	Landrieu	Strain
Damico	LeBlanc	Swilling
Daniel	McDonald	Thompson
Dartez	McVea	Toomy
Downer	Montgomery	Townsend
Downs	Morrish	Triche
Erdey	Murray	Tucker
Fannin	Nevers	Waddell
Faucheux	Odinot	Walker
Flavin	Perkins	Wooton
Frith	Pierre	Wright

Total—72

NAYS

Total—0

ABSENT

Ansardi	Fruge	Lucas
Arnold	Hammett	Martiny
Bowler	Heaton	Morrell
Broome	Honey	Peychaud
Bruneau	Hudson	Richmond
Crane	Hutter	Romero
Devillier	Jackson, L	Scalise
Diez	Jackson, M	Smith, J.R.—30th
Doerge	Katz	Walsworth
Durand	Kennard	Welch
Farrar	Lancaster	Winston
Total—33		

The veto was sustained.

Suspension of the Rules

On motion of Rep. Salter, the rules were suspended in order to take up and consider House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar**HOUSE BILL NO. 1—**

BY REPRESENTATIVE LEBLANC

AN ACT

Making appropriations for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of said appropriations.

Read by title.

Suspension of the Rules

On motion of Rep. LeBlanc, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 2 —

BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE

AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Hammett, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 846—

BY REPRESENTATIVES SALTER AND NEVERS

AN ACT

To amend and reenact R.S. 17:46(A)(1) and 1171(A), relative to eligibility for sabbatical leave for certain teachers; to remove the requirement that a teacher shall be eligible for a medical leave sabbatical if the teacher's regular sick leave balance is twenty-five days or less; and to provide for related matters.

Read by title.

Rep. Salter moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Perkins
Alario	Futrell	Peychaud
Alexander	Gallot	Pierre
Ansardi	Glover	Pinac
Baldone	Green	Pitre
Baudoin	Guillory	Powell
Baylor	Hammett	Quezaire
Beard	Heaton	Richmond
Broome	Hebert	Romero
Bruce	Hill	Salter
Bruneau	Honey	Schneider
Capella	Hopkins	Schwegmann
Carter, K	Hudson	Shaw
Carter, R	Hunter	Smith, G.—56th
Cazayoux	Hutter	Smith, J.D.—50th
Crane	Iles	Smith, J.H.—8th
Crowe	Jackson, L	Smith, J.R.—30th
Curtis	Johns	Sneed
Damico	Katz	Stelly
Daniel	Kennard	Strain
Dartez	Kenney	Swilling
Devillier	LaFleur	Thompson
Diez	Landrieu	Toomy
Doerge	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	McDonald	Tucker
Durand	McVea	Waddell
Erdey	Montgomery	Walker
Fannin	Morrell	Welch
Farrar	Morrish	Wooton
Faucheux	Murray	Wright
Flavin	Nevers	
Frith	Odinot	
Total—97		

NAYS

Total—0

ABSENT

Arnold	Lancaster	Walsworth
Bowler	Martiny	Winston
Jackson, M	Scalise	
Total—8		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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Rep. Salter moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 947—

BY REPRESENTATIVES SALTER, NEVERS, AND PEYCHAUD
AN ACT

To enact R.S. 17:421.9, relative to public school psychologists; to provide a salary supplement for certain public school psychologists who have acquired certification by the National School Psychology Certification Board; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide limitations; to provide definitions; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Salter, the bill was returned to the calendar.

HOUSE BILL NO. 1110—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 27:44(4) and 59(A)(5) and to enact R.S. 27:44(4.1), relative to riverboat gaming; to amend the definition of designated gaming area; to provide for definitions; to provide for the adoption of rules defining gaming positions; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Fauchaux, the bill was returned to the calendar.

Suspension of the Rules

On motion of Rep. LeBlanc, House Rule 8.15(A) was suspended to permit the consideration of House Bill No. 1 on final passage at this time.

HOUSE BILL NO. 1—

BY REPRESENTATIVE LEBLANC
AN ACT

Making appropriations for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of said appropriations.

Read by title.

Rep. LeBlanc sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 1 by Representative LeBlanc

AMENDMENT NO. 1

On page 2, at the beginning of line 9, change "152,000,000" to "151,968,000"

AMENDMENT NO. 2

On page 50, at the beginning of line 49, delete "Administration/Fiscal" and insert "Market Compliance"

AMENDMENT NO. 3

On page 56, after line 46, insert the following:

"Payable out of the State General Fund (Direct)
to the Newcorp Business Assistance Center \$ 400,000"

AMENDMENT NO. 4

On page 103, at the end of line 6, delete "Provided" and delete lines 7 through 9 in their entirety.

AMENDMENT NO. 5

On page 103, line 24, after "payments" and before "uncompensated" delete "that exceed 100% of" and insert "for"

AMENDMENT NO. 6

On page 103, line 39, after "payments" and before "uncompensated" delete "that exceed 100% of" and insert "for"

AMENDMENT NO. 7

On page 124, line 1, change "348,595,129" to "347,845,129"

AMENDMENT NO. 8

On page 129, line 23, change "197,245,874" to "200,812,800"

AMENDMENT NO. 9

On page 130, line 16, change "6,693,842" to "3,126,916"

AMENDMENT NO. 10

On page 139, line 37, after "electronically" and before "2.0%", change "by" to "to"

AMENDMENT NO. 11

On page 139, line 39, after "percentage" and before "total" change "increase in" to "of"

AMENDMENT NO. 12

On page 227, between lines 26 and 27, insert the following:

"Provided, however, in the event the Board of Elementary and Secondary Education's LEAP for the 21st Century-High Stakes Testing Policy provides that students scoring at or above the Approaching Basic level on the English Language Arts and Mathematics components may be promoted to the fifth grade or the ninth grade, as applicable, the commissioner of administration is hereby authorized and directed to determine the amount of savings resulting from such policy and unallot from the State General Fund (Direct) appropriated herein for High Stakes Remediation and LEAP 21 Tutoring the amount of such savings, subject to the review and approval of the Joint Legislative Committee on the Budget."

AMENDMENT NO. 13

On page 228, delete lines 7 through 14 in their entirety

AMENDMENT NO. 14

On page 252, delete lines 4 and 5 in their entirety

AMENDMENT NO. 15

On page 256, line 30, in the column designated "Total Funds", change "142,550,026" to "142,424,460"

AMENDMENT NO. 16

On page 262, line 46, in the column designated "General Fund", change "3,077,745,404" to "3,067,811,392"

AMENDMENT NO. 17

On page 262, line 46, in the column designated "Other State", change "612,317,719" to "614,727,503"

AMENDMENT NO. 18

On page 262, line 46, in the column designated "Federal Funds", change "2,364,491,583" to "2,338,007,708"

AMENDMENT NO. 19

On page 262, line 46, in the column designated "Total Funds", change "6,054,554,706" to "6,020,546,603"

On motion of Rep. LeBlanc, the amendments were adopted.

Motion

On motion of Rep. LeBlanc, the House resolved itself into a Committee of the Whole House to take into consideration House Bill No. 1.

Acting Chairman

Rep. Alario in the Chair.

House Business Resumed

Speaker DeWitt in the Chair

The committee having risen, the chairman, Rep. Alario, reported to the House that which the Committee of the Whole House had had under consideration:

HOUSE BILL NO. 1—

BY REPRESENTATIVE LEBLANC

AN ACT

Making appropriations for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of said appropriations.

Read by title.

Reported with amendments.

The committee amendments were read as follows:

COMMITTEE OF THE WHOLE HOUSE AMENDMENTS

Amendments proposed by Representative Triche in the Committee of the Whole House to Engrossed House Bill No. 1 by Representative LeBlanc

AMENDMENT NO. 1

On page 114, after line 51, insert the following:

"Provided, however, that the number of staffed beds at the Metropolitan Developmental Center shall be no less than the number of such staffed beds in the previous fiscal year."

AMENDMENT NO. 2

On page 116, between lines 31 and 32, insert the following:

"Provided, however, that the number of staffed beds at the Northwest Developmental Center shall be no less than the number of such staffed beds in the previous fiscal year."

AMENDMENT NO. 3

On page 118, between lines 31 and 32, insert the following:

"Provided, however, that the number of staffed beds at the Ruston Developmental Center shall be no less than the number of such staffed beds in the previous fiscal year."

AMENDMENT NO. 4

On page 119, between lines 19 and 20, insert the following:

"Provided, however, that the number of staffed beds at the Southwest Developmental Center shall be no less than the number of such staffed beds in the previous fiscal year."

COMMITTEE OF THE WHOLE HOUSE AMENDMENTS

Amendments proposed by Representatives Futrell, Beard, Capella, and Scalise in the Committee of the Whole House to Engrossed House Bill No. 1 by Representative LeBlanc

AMENDMENT NO. 1

On page 105, between lines 28 and 29, insert:

"Payable out of the State General Fund (Direct)
to encourage and promote the use of prescription
drug company discounts by senior citizens in
Louisiana \$ 720,000"

AMENDMENT NO. 2

On page 108, between lines 48 and 49, insert the following:

"Provided, however, that of the funds appropriated herein to the Personal Health Services Program out of the State General Fund (Direct), the commissioner of administration shall reduce the State General Fund (Direct) allocated for HIV prevention services for condom distribution by \$720,000."

COMMITTEE OF THE WHOLE HOUSE AMENDMENTS

Amendments proposed by Representative Pierre in the Committee of the Whole House to Engrossed House Bill No. 1 by Representative LeBlanc

AMENDMENT NO. 1

On page 194, delete lines 21 through 25 in their entirety

AMENDMENT NO. 2

On page 194, between lines 25 and 26, insert the following:

"Provided, however, that the commissioner of administration shall reduce the appropriation contained herein for the Louisiana Technical College out of the State General Fund (Direct) by \$740,000, and such reduction shall be allocated proportionally among the administrative budgets of the eight assistant chancellors of the Louisiana Technical College and such assistant chancellor positions shall be eliminated."

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On motion of Rep. LeBlanc, the amendments were adopted.

Rep. LeBlanc moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:
YEAS

Mr. Speaker	Glover	Psychaud
Alario	Green	Pierre
Ansardi	Guillory	Pinac
Arnold	Hammett	Pitre
Baldone	Heaton	Powell
Baudoin	Hebert	Quezaire
Baylor	Hill	Richmond
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Hutter	Shaw
Carter, R	Iles	Smith, G.—56th
Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Jackson, M	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Curtis	Katz	Sneed
Damico	Kennard	Stelly
Daniel	Kenney	Strain
Dartez	LaFleur	Swilling
Devillier	Lancaster	Thompson
Diez	Landrieu	Toomy
Downer	LeBlanc	Townsend
Downs	Lucas	Triche
Durand	Martiny	Tucker
Erdey	McDonald	Waddell
Fannin	McVea	Walker
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Fruge	Nevers	Wright
Futrell	Odinet	
Gallot	Perkins	
Total—100		

NAYS

Alexander	Beard	Romero
Total—3		

ABSENT

Bruneau	Doerge
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 2 —

BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE

AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making

appropriations from certain sources; and to provide for related matters.

Read by title.

Rep. Hammett sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Hammett and LeBlanc to Reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 15, delete lines 47 and 48, and insert the following:

"Payable from State General Fund (Direct)	\$ 8,700,000"
---	---------------

AMENDMENT NO. 2

On page 16, delete lines 40 and 41, and insert the following:

"Payable from State General Fund (Direct)	\$ 200,000"
---	-------------

AMENDMENT NO. 3

On page 25, delete lines 51 and 52, and insert the following:

"Priority 1	\$ 4,250,000
Priority 5	\$ 1,000,000
Total	\$ 5,350,000"

AMENDMENT NO. 4

On page 29, at the end of line 8, insert a comma "," and "Planning and Construction"

AMENDMENT NO. 5

On page 29, between lines 10 and 11, insert the following:

"Payable from State General Fund (Direct)	
Nonrecurring Revenues	\$ 400,000"

AMENDMENT NO. 6

On page 29, at the end of line 16, change "\$3,600,000" to "\$4,000,000"

AMENDMENT NO. 7

On page 31, delete lines 41 and 42, and insert the following:

"Payable from Fees and Self-Generated Revenues	\$ 500,000
Payable from the balance of General Obligation Bonds previously allocated in Act 21 of 2000 for Golf Resort at South Toledo State Park, Land Acquisition, Planning and Construction (Sabine)	\$ 332,441
Total	\$ 1,607,411"

AMENDMENT NO. 8

On page 41, delete lines 33 through 44 in their entirety

AMENDMENT NO. 9

On page 48, between lines 11 and 12, insert the following:

"() Clinical and Research Imaging Center and
Placement of a 3 Tesla Whole Body MRI
System, Acquisition, Planning and
Construction
(Orleans)
Payable from General Obligation Bonds
Priority 2 \$ 400,000
Priority 5 \$ 3,600,000
Total \$ 4,000,000"

Pending submittal of capital outlay budget request and approval pursuant to the provisions of R.S. 39:112."

AMENDMENT NO. 10

On page 67, delete lines 27 through 29, and insert the following:

"Payable from State General Fund (Direct) \$ 1,479,750
Payable from State General Fund (Direct)
Nonrecurring Revenues \$ 13,520,250
Total \$ 15,000,000"

Provided, however, that the \$1,479,750 appropriated out of the State General Fund (Direct) is contingent upon the advance"

AMENDMENT NO. 11

On page 68, delete lines 6 and 7, and insert the following:

"Payable from State General Fund (Direct) \$ 3,000,000"

AMENDMENT NO. 12

On page 69, delete lines 10 and 11, and insert the following:

"Payable from State General Fund (Direct) \$ 9,800,000"

AMENDMENT NO. 13

On page 70, between lines 32 and 33, insert the following:

"36/L25 GRAND ISLE INDEPENDENT LEVEE DISTRICT"

(537) Breakwater Protection for Fifi Island,
Planning and Construction
(Jefferson)
Payable from General Obligation Bonds
Priority 2 \$ 100,000
Priority 5 \$ 750,000
Total \$ 850,000"

AMENDMENT NO. 14

On page 72, delete line 15, and insert the following:

"Priority 1 \$ 1,250,000
Priority 2 \$ 200,000
Total \$ 1,450,000"

AMENDMENT NO. 15

On page 79, delete line 39, and insert the following:

"Priority 1 \$ 700,000
Priority 5 \$ 4,500,000
Total \$ 5,200,000"

AMENDMENT NO. 16

On page 100, between lines 20 and 21, insert the following:

"(829) Grand Isle Flood Protection Project,
Planning and Construction
(Jefferson)
Payable from General Obligation Bonds
Priority 2 \$ 200,000
Priority 3 \$ 1,067,000
Priority 4 \$ 1,067,000
Priority 5 \$ 200,000
Total \$ 2,534,000"

AMENDMENT NO. 17

On page 105, after line 52, insert the following:

"50/ML2 NEW LLANO

(890) New City Hall, Planning and Construction
(\$20,000 Local Match)
(Vernon)
Payable from General Obligation Bonds
Priority 2 \$ 20,000
Priority 5 \$ 360,000
Total \$ 380,000"

AMENDMENT NO. 18

On page 108, between lines 22 and 23, insert the following:

"50/MP3 RICHWOOD

() Land Acquisition
(Local Match Required)
(Ouachita)
Payable from General Obligation Bonds
Priority 2 \$ 210,000
Priority 5 \$ 1,000,000
Total \$ 1,210,000"

Pending submittal of capital outlay budget request and approval pursuant to the provisions of R.S. 39:112."

AMENDMENT NO. 19

On page 128, between lines 15 and 16, insert the following:

"50/NS8 PONCHATOU LA RECREATION DISTRICT 1

() Public Golf Course, Planning and
Construction
(Tangipahoa)
Payable from General Obligation Bonds
Priority 2 \$ 150,000"

The capital outlay budget request for this project was submitted after the November 1st deadline, but it has been approved by the Joint Legislative Committee on Capital Outlay pursuant to the provisions of R.S. 39:112."

AMENDMENT NO. 20

On page 129, delete lines 9 through 16 in their entirety

AMENDMENT NO. 21

On page 130, delete lines 41 and 42, and insert the following:

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"Priority 2	\$ 10,000
Total	<u>\$ 60,000"</u>

AMENDMENT NO. 22

On page 131, between lines 9 and 10, insert the following:

"50/ NEW ORLEANS YOUTH SPORTS FOUNDATION INC.

() New Orleans Youth Sports Foundation Inc., Planning and Construction (Orleans) Payable from General Obligation Bonds	
Priority 2	\$ 250,000
Priority 5	\$ 2,500,000
Total	<u>\$ 2,750,000</u>

Pending submittal of capital outlay budget request and approval pursuant to the provisions of R.S. 39:112."

On motion of Rep. Hammett, the amendments were adopted.

Rep. Hammett moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Bowler	Hill	Salter
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hudson	Schwegmann
Capella	Hunter	Shaw
Carter, K	Hutter	Smith, G.—56th
Carter, R	Iles	Smith, J.D.—50th
Cazayoux	Jackson, L	Smith, J.H.—8th
Crane	Jackson, M	Smith, J.R.—30th
Crowe	Johns	Sneed
Curtis	Katz	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Tucker
Downs	Martiny	Waddell
Durand	McDonald	Walker
Erdey	McVea	Walsworth
Fannin	Montgomery	Welch
Farrar	Morrell	Winston
Faucheux	Morrish	Wooton
Flavin	Murray	Wright
Frith	Nevers	
Fruge	Odinet	
Total—100		

NAYS

Beard	Romero
Total—2	

ABSENT

Doerge	Kennard	Triche
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hammett moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 3—

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM
AN ACT

To enact the Omnibus Bond Authorization Act of 2003, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Hammett moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Romero
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider
Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Curtis	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinet	
Total—104		

NAYS

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The title of the above bill was read and adopted.

Rep. LeBlanc moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1781— BY REPRESENTATIVES LEBLANC, DEWITT, AND TOWNSEND AN ACT

To appropriate funds to defray the expenses of the Louisiana Judiciary, including the Supreme Court, Courts of Appeal, District Courts, Criminal District Court of Orleans Parish, and other courts; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. LeBlanc, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Called from the calendar.

Read by title.

Rep. LeBlanc sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 1781 by Representative LeBlanc

AMENDMENT NO. 1

On page 1, delete lines 7 and 8 in their entirety and insert the following:

"Section 1.A. The sum of One Hundred Sixteen Million Two Hundred Ninety-seven Thousand Forty-six and No/100 (\$116,297,046.00) Dollars, or so much thereof as may"

AMENDMENT NO. 2

On page 3, at the end of line 12, change "\$6,410,035" to "\$6,711,658"

AMENDMENT NO. 3

On page 3, at the end of line 16, change "\$2,515,168" to "\$2,734,761"

AMENDMENT NO. 4

On page 3, at the end of line 30, change "\$740,582" to "\$766,829"

AMENDMENT NO. 5

On page 3, at the end of line 36, change "\$250,562" to "\$256,581"

AMENDMENT NO. 6

On page 3, at the end of line 43, change "\$622,389" to "\$800,434"

AMENDMENT NO. 7

On page 3, at the end of line 46, change "\$1,396,615" to "\$1,403,137"

AMENDMENT NO. 8

On page 4, at the end of line 10, change "\$139,038" to "\$142,672"

AMENDMENT NO. 9

On page 4, at the end of line 20 change "\$607,806" to "\$599,154"

AMENDMENT NO. 10

On page 4, at the end of line 21, change "\$1,743,184" to "\$1,750,883"

AMENDMENT NO. 11

On page 4, at the end of line 31, change "\$1,926,614" to "\$1,925,512"

AMENDMENT NO. 12

On page 4, at the end of line 42, change "\$32,051,347" to "\$32,790,975"

AMENDMENT NO. 13

On page 5, at the end of line 45, change "\$50,053,488" to "\$50,793,116"

AMENDMENT NO. 14

On page 6, at the end of line 48, change "\$6,936,657" to "\$7,013,520"

AMENDMENT NO. 15

On page 6, at the end of line 51, change "\$3,716,232" to "\$3,881,031"

AMENDMENT NO. 16

On page 7, at the end of line 3, change "\$5,476,345" to "\$5,598,024"

AMENDMENT NO. 17

On page 7, at the end of line 6, change "\$5,480,268" to "\$5,701,897"

AMENDMENT NO. 18

On page 7, at the end of line 9, change "\$3,824,770" to "\$3,926,411"

AMENDMENT NO. 19

On page 7, at the end of line 10, change "\$30,859,855" to "\$31,546,466"

AMENDMENT NO. 20

On page 9, at the end of line 18, change "\$301,380" to "\$316,597"

AMENDMENT NO. 21

On page 9, at the end of line 20, change "\$203,053" to "\$208,830"

AMENDMENT NO. 22

On page 9, at the end of line 23, change "\$25,311,411" to "\$25,332,405"

AMENDMENT NO. 23

On page 10, at the end of line 6, change "\$538,890" to "\$556,699"

AMENDMENT NO. 24

On page 10, at the end of line 7, change "\$432,387" to "\$444,431"

AMENDMENT NO. 25

On page 10, at the end of line 8, change "\$124,959" to "\$129,885"

AMENDMENT NO. 26

On page 10, at the end of line 10, change "\$263,837" to "\$267,321"

AMENDMENT NO. 27

On page 10, at the end of line 11, change "\$4,145,846" to "\$4,184,109"

AMENDMENT NO. 28

On page 10, at the end of line 20, change "\$31,278,506" to "\$31,337,763"

AMENDMENT NO. 29

On page 10, at the end of line 36, change "\$367,017" to "\$379,756"

AMENDMENT NO. 30

On page 10, at the end of line 40, change "\$57,928" to "\$59,693"

AMENDMENT NO. 31

On page 11, at the end of line 4, change "\$454,945" to "\$469,449"

On motion of Rep. LeBlanc, the amendments were adopted.

Rep. LeBlanc moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Psychaud
Alario	Glover	Pierre
Arnold	Green	Pinac
Baldone	Guillory	Pitre
Baudoin	Hammitt	Powell
Baylor	Heaton	Quezaire
Beard	Hebert	Richmond
Bowler	Hill	Romero
Broome	Hopkins	Salter
Bruce	Hudson	Scalise
Bruneau	Hunter	Schneider
Capella	Hutter	Schwegmann
Carter, K	Iles	Shaw
Carter, R	Jackson, L	Smith, G.—56th
Cazayoux	Jackson, M	Smith, J.D.—50th
Crane	Johns	Smith, J.H.—8th
Crowe	Katz	Smith, J.R.—30th
Curtis	Kennard	Sneed
Damico	Kenney	Stelly
Daniel	LaFleur	Strain
Dartez	Lancaster	Swilling
Devillier	Landrieu	Thompson
Diez	LeBlanc	Toomy
Downer	Lucas	Townsend
Downs	McDonald	Triche
Durand	McVea	Waddell
Erdey	Montgomery	Walker
Fannin	Morrell	Walsworth
Farrar	Morrish	Welch
Faucheux	Murray	Winston
Flavin	Nevers	Wooton
Frith	Odinet	Wright
Futrell	Perkins	
Total—98		

NAYS

Alexander
Total—2

Fruge

ABSENT

Ansardi
Doerge
Total—5

Honey
Martiny

Tucker

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. LeBlanc, the rules were suspended in order to take up and consider Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

June 1, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 101

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

SENATE BILLS

June 1, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 262, 836, 844, 1012, 1090, and 1120

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Stelly, the rules were suspended in order to take up the bills contained in the message at this time.

Senate Bills and Joint Resolutions on First Reading

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 262—
BY SENATOR MOUNT

AN ACT

To enact R.S. 33:4712.8, relative to economic development for the city of Westlake; to authorize the city of Westlake to transfer certain property no longer needed for public purposes; to provide for the creation of a board to govern the sale of such property; to provide for the purpose, powers, duties and membership of the board; to provide for the authority of the board; to provide for the duties of the governing authority of the city of Westlake with respect to the board; and to provide for related matters.

Read by title.

SENATE BILL NO. 836—
BY SENATOR MCPHERSON

AN ACT

To enact Subpart F of Part I of Chapter 6 of Title 33 of the Revised Statutes of 1950, to be comprised of R.S. 33:2740.71 through 33:2740.88, relative to special districts; to authorize municipalities and parishes to create business improvement districts; to provide for definitions; to provide for the establishment of a business improvement development district; to provide for a board of commissioners; to provide for powers and duties of the board; to provide for the issuance of bonds; to provide for assessments upon a vote of the electors of the district; to provide for fees and charges; to provide for termination of the district; and to provide for related matters.

Read by title.

SENATE BILL NO. 844—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 9:2801.2, relative to partition of community property; to provide for the valuation of goodwill as an asset in the partition of community property for certain businesses; to provide for definitions; and to provide for related matters.

Read by title.

SENATE BILL NO. 1012—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 33:4547.1(A) and 4547.2(A), relative to public contracts; to provide for award of performance-based energy efficiency contracts through the request for proposal process; and to provide for related matters.

Read by title.

SENATE BILL NO. 1090—
BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 39:1533(A) and to enact Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:382.1 and 771(E) and Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:851 through 856, and R.S. 36:254(H) and 258(H), relative to human services; to provide a statewide

framework to govern the delivery of mental health, developmental disabilities, and addictive disorders services funded by appropriations from the state; to create the Metropolitan Human Services District; to provide for powers, duties, and functions of the district; to create a governing board and provide for membership, powers, duties, and functions; to provide for the transfer of certain powers, duties, and functions from the Department of Health and Hospitals to the district; to provide for the transfer of employees; and to provide for related matters.

Read by title.

SENATE BILL NO. 1120—

BY SENATORS MICHOT, HINES AND SCHEDLER
AN ACT

To enact Chapter 34 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2841 through 2848; relative to customized wheelchairs (manual or power), standing frames, gait trainers, and other adaptive positioning devices; to enact the Customized Wheelchair and Adaptive Positioning Devices Certification Law; to provide for definitions; to provide for certification of customized wheelchairs and adaptive positioning devices providers; to provide for penalties and enforcement; and to provide for related matters.

Read by title.

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

June 1, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 84, 95, 98, and 105

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

The Senate Concurrent Resolutions contained herein were signed by the Speaker of the House.

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

June 1, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 34, 44, 64, and 402

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

The Senate Bills contained herein were signed by the Speaker of the House.

**Introduction of Resolutions,
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 103—
BY REPRESENTATIVES BROOME AND PEYCHAUD
A RESOLUTION

To urge and request the Office of Financial Institutions to promulgate rules and regulations in an effort to increase public awareness of prohibited predatory lending practices.

Read by title.

On motion of Rep. Broome, and under a suspension of the rules, the resolution was adopted.

Privileged Report of the Legislative Bureau

June 1, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 68
Reported without amendments.

Senate Bill No. 260
Reported without amendments.

Senate Bill No. 336
Reported without amendments.

Senate Bill No. 413
Reported without amendments.

Senate Bill No. 431
Reported without amendments.

Senate Bill No. 457
Reported with amendments.

Senate Bill No. 512
Reported without amendments.

Senate Bill No. 771
Reported without amendments.

Senate Bill No. 773
Reported without amendments.

Senate Bill No. 824
Reported without amendments.

Senate Bill No. 846
Reported without amendments.

Senate Bill No. 849
Reported without amendments.

Senate Bill No. 940
Reported without amendments.

Senate Bill No. 1016
Reported without amendments.

Senate Bill No. 1053
Reported without amendments.

Senate Bill No. 1119
Reported without amendments.

Respectfully submitted,

JOE SALTER
Chairman

Privileged Report of the Committee on Enrollment

June 1, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 98—
BY REPRESENTATIVE MURRAY
A RESOLUTION

To commend Martin Wine Cellar in New Orleans.

HOUSE RESOLUTION NO. 99—
BY REPRESENTATIVE GLOVER
A RESOLUTION

To express the condolences of the House of Representatives upon the death of Nina B. Champion of Shreveport.

HOUSE RESOLUTION NO. 100—
BY REPRESENTATIVE CROWE
A RESOLUTION

To declare May, 2003, as Neurofibromatosis Awareness Month and to commend and recognize the Louisiana Chapter of the National Neurofibromatosis Foundation.

HOUSE RESOLUTION NO. 101—
BY REPRESENTATIVE THOMPSON
A RESOLUTION

To urge and request the Department of Transportation and Development and the LSU Ag Center to collaborate on research projects which study the application of cotton gin trash as a possible solution to soil erosion.

HOUSE RESOLUTION NO. 102—
BY REPRESENTATIVE BROOME
A RESOLUTION

To commend Anita Collins of Baton Rouge upon the occasion of her retirement from the Baton Rouge Fire Department for twenty-four years of dedicated service.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

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33rd Day's Proceedings - June 1, 2003

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

June 1, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 183—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To commend Teri C. Noel upon being named the 2001 Louisiana Elementary School Principal of the Year.

HOUSE CONCURRENT RESOLUTION NO. 185—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To commend Debra H. Schum upon being named the 2002 Louisiana High School Principal of the Year.

HOUSE CONCURRENT RESOLUTION NO. 199—

BY REPRESENTATIVE DOWNS

A CONCURRENT RESOLUTION

To commend Leon Barmore upon his election to the Naismith Memorial Basketball Hall of Fame.

HOUSE CONCURRENT RESOLUTION NO. 203—

BY REPRESENTATIVES CROWE AND SCHNEIDER AND SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To declare June 12, 2003, as the second annual Slidell Day at the Legislature of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 204—

BY REPRESENTATIVE DOWNER

A CONCURRENT RESOLUTION

To recognize June 2003 as National Truck Safety Month to raise public awareness about the contributions, responsibilities, and needs of truck drivers to make the highways safer.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

June 1, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Bills have been properly enrolled:

HOUSE BILL NO. 1264—

BY REPRESENTATIVES SALTER AND ILES AND SENATORS CAIN AND SMITH

AN ACT

To amend and reenact R.S. 38:2325(A), relative to the powers of the Sabine River Authority; to establish a conservation pool level; to prohibit the generation of hydroelectric power under certain circumstances; to provide relative to limitations on other uses of water in the reservoir; and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Suspension of the Rules

On motion of Rep. Johns, the rules were suspended to permit the Committee on Civil Law and Procedure to meet on Monday, June 2, 2003, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

Senate Bill No. 423

Adjournment

On motion of Rep. Kenney, at 7:35 P.M., the House agreed to adjourn until Monday, June 2, 2003, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Monday, June 2, 2003.

ALFRED W. SPEER
Clerk of the House

